

Living in a Material World: Materiality from *Brady* to *Watkins*

ROBERT O. DAWSON CONFERENCE ON CRIMINAL APPEALS

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Presenter:

Hon. Jesse F. McClure III

Texas Court of Criminal Appeals



Disclaimers and Hints...

I do not speak for the Court

I am not trying to predict the future

Read the underlined words; let the rest wash over you

If you are representing the State, please recognize the dangers of arguing materiality...

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Overview

- Federal due process guarantee in criminal discovery: *Brady* and *Bagley*
- Case illustrations
 - Factors that support materiality
 - Factors that work against materiality
- Michael Morton Act: expanded criminal discovery in Texas
- Watkins v. *State*: new definition of materiality
- Comparing materiality under *Brady* and the statute

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Materiality concerns...

- Protect constitutional and statutory rights
- Ensure conviction integrity
- Prevent reversal of convictions
- Encourage public confidence in the justice system
- Promote the truth-seeking function of trials
- Comply with prosecutors' ethical obligation

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Brady v. Maryland

373 U.S. 83 (1963)

Rule: When the government **suppresses favorable** evidence that is **material** to guilt or punishment, the government violates the accused's right to due process.

Foundation: U.S. Constitution, 14th amendment due process clause

Reasoning: "The principle . . . is not punishment of society for misdeeds of a prosecutor but avoidance of an **unfair** trial to the accused."

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