



Article Title: *Brady Material and the Expert Witness*

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Article's Subject Matter: Brady Material and the Expert Witness

Key Points in Article

- Requirements of expert witnesses relating to disclosure and testimony of “Brady Material” (the article originates from the United States)
- Those working for the government must provide all relevant information when a disclosure request is made by defense, not just the information they want revealed.
- Brady Material – the government’s obligation to disclose information that may be valuable to defense
- Withholding this information is commonly referred to as a Brady violation
- Brady material is “any information the government or those acting on behalf of the government, has that may be beneficial to the defense. This includes information that may weaken the government’s case or undermine the testimony or credibility of the witness”.
- An extension of Brady is a 1972 court decision, Giglio vs United States, which includes material that would impeach the character of a government witness.
- Giglio is extended through another decision, United States v Henthorn (1991). This decision relates to requests for personnel records of a government witness. Exculpatory information may be contained in these records about the witness.

Fallacies and or Issues

- Brady violations will likely lead to a reversal of conviction on appeal.
- Agencies need to have policies in place in order to retain necessary information.
- Agencies need to have policies in place on how to handle disclosure material and disclosure requests.
- Expert witnesses need to be aware of court decisions so they are prepared to testify to exculpatory material.

