

Bill Number: SB 590
Scott D. Shellenberger, State's Attorney for Baltimore County
Opposed

WRITTEN TESTIMONY OF SCOTT D. SHELLENBERGER,
STATE'S ATTORNEY FOR BALTIMORE COUNTY,
IN OPPOSITION TO SENATE BILL 590
REQUIRED DISCLOSURES – BRADY MATERIAL

I write in opposition of Senate Bill 590 that is an unnecessary expansion of case law concerning disclosures by prosecutors in criminal cases. The Supreme Court in 1963 in Brady v. Maryland established that the prosecution must turn over to the defense all evidence that might exonerate a defendant.

There have literally been hundreds of reported appellate cases over the years outlining what is Brady material. An attempt in Senate Bill 590 to codify that which is contained in hundreds of appellate cases is misplaced. The Courts and the Maryland Rules are the branches of government that should decide and outline Brady issues.

What is more, Senate Bill 590 goes beyond that which is even required under Brady. Section (F) states, "the State's Attorney shall seek from **all** government sources all information subject to disclosure under this section." All government sources? That means I have to contact the Sherriff in Billings, Montana to see if they have any information on my witness.

That means I have to contact the IRS to see if my victim ever lied on their taxes. Brady only requires that I look for such information from agencies that regularly report to me or reported to me in this case. Section (F) is an impossible burden to meet.

What is more in section (c)(5)(11) requires disclosure of **all** criminal convictions of any witness.

So, if there is a DUI conviction from 20 years ago in California I have to find and disclose that.

Senate Bill 590 is unnecessary and goes well beyond that which can be obtained.

I urge an unfavorable report.