

Maryland Criminal Defense Attorneys' Association



Maryland House of Delegates Judiciary Committee

February 17, 2021 1pm

Hearing on SB 590

Criminal Procedure -Req'd Disclosures

MCDAA POSITION: SUPPORT W/AMENDMENTS

Bill explanation: The bill codifies and clarifies the responsibilities of the State during a criminal case to provide information to the defendant that is exculpatory for the defendant and information that can be used to impeach any of the State's witnesses at trial. The legislation is proposed to supplement the current Maryland Rules regarding discovery as found in Rule 4-263 et sec. The required disclosed information required by the bill is generally referred to as "Brady Material" after a landmark case, Brady v. Md, which created the need for analysis of the effect of information withheld from the defendant during trial, as to whether or not such withheld information would have affected the outcome of the case.

MCDAA's position: MCDAA members are very supportive of the sponsor's attempts to clarify and strengthen the discovery laws in Maryland, especially concerning increasing the availability of Brady Information at all parts of the trial, including before Arraignment. Further, we continue to work with the sponsor to craft amendments which will address ensuring the timely receipt of police misconduct information and address the Court's ability to sanction violating parties, as well as clarify that the obligation to provide Brady information extends beyond the end of trial and appeal exhaustion.

For additional information or questions regarding this legislation, please contact MCDAA Government Relations Contact: John Giannetti 410.300.6393, JohnGiannetti.mcdaa@gmail.com or MCDAA legislative committee members: Erica Suter, 202.468.6640 erica@ericasuterlaw.com or Andy Jezic 301.742.7470 avjezic@aol.com