

COURT OF APPEALS OF MARYLAND

Harris v. State, 407 Md. 503

966 A.2d 925 (2009) · No. No. 65, September Term, 2008 · Decided March 9, 2009

SUMMARY

The Maryland Court of Appeals considered whether the State violated Brady v. Maryland by failing to disclose impeachment evidence concerning plea agreements and sentencing benefits offered to two principal prosecution witnesses. The court held that the undisclosed information was Brady material and that its nondisclosure was material because the case substantially turned on the credibility of the witnesses. The court reversed the intermediate appellate court's decision affirming the denial of post-conviction relief.

CASE DETAILS

COURT	Court of Appeals of Maryland
WRITING FOR THE COURT	Alan M. Wilner, Judge, Retired, Specially Assigned; Bell, C.J.; Harrell, J.; Battaglia, J.; Greene, J.; Barbera, J.; Lawrence F. Rodowsky, Judge, Retired, Specially Assigned
JURISDICTION	Maryland
DECIDED	March 9, 2009
DOCKET	No. 65, September Term, 2008
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Harris sought post-conviction relief based on the State's alleged suppression of impeachment evidence concerning plea agreements between the State and two principal prosecution witnesses. The Circuit Court for Baltimore City denied relief. The Court of Special Appeals agreed that the evidence was Brady material but affirmed on the ground that the nondisclosure was not material. The Court of Appeals reversed.
STANDARD OF REVIEW	The court reviewed the legal requirements for a Brady violation and independently assessed whether suppressed favorable evidence was material under the reasonable-probability standard.
PRECEDENTIAL VALUE	Published precedential opinion of the Court of Appeals of Maryland
PARTIES	Robert Harris v. State of Maryland

TOPICS

post-conviction relief

prosecutorial misconduct

due process

evidence

criminal procedure

PRACTICE AREAS

criminal procedure

post-conviction relief

constitutional law

evidence

QUESTIONS PRESENTED

1. Whether the State's commitments not to oppose, and potentially to support, further sentence reductions for Brill and Bartee constituted favorable impeachment evidence subject to disclosure under Brady v. Maryland.
2. Whether the State's suppression of those commitments was material under the applicable Brady materiality standard.
3. Whether Harris was entitled to post-conviction relief and a new trial.

HOLDINGS

1. The State's commitments not to oppose, and potentially to support, further sentence reductions for Brill and Bartee in connection with their testimony constituted favorable impeachment evidence that the State was constitutionally required to disclose.
2. The nondisclosure was material because there was a reasonable probability that disclosure of the contingent sentence-reduction commitments would have caused the jury to assess Brill's and Bartee's credibility differently and would have undermined confidence in the verdict.
3. Harris was entitled to post-conviction relief and a new trial.

KEY QUOTATIONS

"There can be little doubt, under current jurisprudence, that the State's commitment not to oppose a further reduction in Bartee's and Brill's sentences, depending entirely on its satisfaction with their testimony in Harris's case, constituted relevant impeachment evidence favorable to the defense that was required to be disclosed." (936)

"The command of Brady and its progeny was unquestionably, knowingly, and inexcusably violated." (937)

"Knowledge that a further reduction in their sentences was much more likely if the State was satisfied with their testimony would almost certainly have placed their credibility—their motive to testify as the State wished—in a different and less favorable light, sufficiently so, in our judgment, to have probably raised a reasonable doubt as to Harris's guilt." (938)

FACTUAL BACKGROUND

Harris was convicted largely on the testimony of Russell Brill, who claimed that Harris orchestrated the killing of Harris's fiancée, and Donnell Bartee, who testified about statements by Brill and an alleged attempt by Harris to procure false testimony. Before Harris's trial, Brill and Bartee entered plea agreements with the State that included, or were understood to include, the State's agreement not to oppose further sentence reductions—and

potentially to support them—depending on the witnesses' testimony. The State disclosed that the witnesses had received plea-related leniency and could seek sentence modification, but did not disclose the additional commitments concerning favorable treatment after satisfactory testimony. Both witnesses later received substantial sentence reductions.

PROCEDURAL HISTORY

Harris was convicted in 1997 of first-degree murder, conspiracy to commit murder, use of a handgun in the commission of a crime of violence, and solicitation to commit murder, and received life imprisonment without parole plus twenty consecutive years. His convictions were affirmed on direct appeal. In post-conviction proceedings, the circuit court found no Brady violation. The Court of Special Appeals found that the State had withheld impeachment evidence but concluded that the evidence was not material. The Court of Appeals held the evidence material, reversed, and directed that Harris receive a new trial.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The Court of Special Appeals was instructed to reverse the Circuit Court for Baltimore City's order denying post-conviction relief and to remand to the circuit court with instructions to grant the petition and award Harris a new trial.

CASES CITED

- Brady v. Maryland, 373 U.S. 83 (1963)
- Giglio v. United States, 405 U.S. 150 (1972)
- United States v. Agurs, 427 U.S. 97 (1976)
- United States v. Bagley, 473 U.S. 667 (1985)
- Kyles v. Whitley, 514 U.S. 419 (1995)
- Youngblood v. West Virginia, 547 U.S. 867 (2006)
- Ware v. State, 348 Md. 19, 702 A.2d 699 (1997)
- Wilson v. State, 363 Md. 333, 768 A.2d 675 (2001)
- Grandison v. State, 390 Md. 412, 889 A.2d 366 (2006)
- Conyers v. State, 367 Md. 571, 790 A.2d 15 (2002)
- Napue v. Illinois, 360 U.S. 264, 79 S.Ct. 1173, 3 L.Ed.2d 1217 (1959)
- Marshall v. State, 346 Md. 186, 695 A.2d 184 (1997)
- Strickland v. Washington, 466 U.S. 668, 104 S.Ct. 2052, 80 L.Ed.2d 674 (1984)