



## DPS TRAINING BULLETIN

LEGAL BULLETIN NO. 312

June 26, 2006

### POLICE MAY NOT SUPPRESS EXCULPATORY EVIDENCE

**Reference:** Denver A. United States Supreme Court  
Youngblood, Jr. No. 05-6997  
v. \_\_\_\_\_ U.S. \_\_\_\_\_  
West Virginia June 19, 2006

### **FACTS:**

Youngblood was convicted of two counts of sexual assault, two counts of brandishing a firearm and one count of indecent exposure. The conviction rested principally on the testimony of three women--Katara, Kimberly and Wendy--that they were held captive by Youngblood and his friend. Katara testified that she was forced at gunpoint to perform oral sex on Youngblood. Youngblood was sentenced to a combined term of 26 to 60 years' imprisonment. Throughout his trial, Youngblood offered a consensual-sex defense.

Several months after being convicted, the investigator who worked the case was contacted by a person who had received a note from victims Kimberly and Wendy. That note squarely contradicted the State's account of the incidents and directly supported Youngblood's consensual-sex defense. The note taunted Youngblood and his friend for having been "played for fools...and mockingly thanked Youngblood for performing oral sex on Katara." The trooper investigator read the note, but declined to take possession of it and told the person who produced it to destroy it.

### **ISSUE:**

Did the suppression of this evidence violate the State's federal constitutional obligation to disclose evidence favorable to the defense?

**HELD:** Yes--the Brady rule, Brady v. Maryland, requires the government to disclose evidence, impeachment as well as exculpatory, materially favorable to the defense.

**REASONING:**

1. The prosecutor has a duty to learn of any favorable evidence known to the others acting on behalf of the government in the case, including the police. (emphasis added)

2. A Brady violation occurs when the government fails to disclose evidence materially favorable to the accused; the Brady duty extends to impeachment evidence as well as exculpatory evidence. Suppression occurs when the government fails to turn over even evidence that is known only to police investigators and not to the prosecutor.

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File Legal Bulletin No. 312 numerically under Section R of the manual.