

How the brady v.
maryland ruling was
used in people v.
cwikla and people v.
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How the Brady v. Maryland ruling was used in People v. Cwikla and People v. Steadman Case People v. Cwikla, 46 N. Y. 2d 434(1979)

The defendants in this case were charged with felony burglary, murder and possession of dangerous instrument as a misdemeanor. These offences were connected with a burglary of an apartment that occurred on January 4, 1972. This burglary led to the death of the house occupant. Only two defendants were arrested prior to the filling of the indictment that is Cox and Cwikla, but Ford was left out as he had escaped. Cox pleaded guilty to manslaughter first degree while Cwikla proceeded to trial, and it was established that he remained guilty of felony murder, possession of a dangerous instrument and burglary in the first degree. However, he appealed the case where case was reversed because of prosecutorial misconduct and errors that were committed by the court.

Case 2: People v. Steadman, 82 N. Y. 2d1 (1993)

The defendant was convicted of criminal possession of a weapon second degree and manslaughter second degree where they had killed Maxine Peterson on May 28, 1988. The only prosecution witness who could have identified the defendants was a drug addict and user and had previously committed two felonies. In that, at the period of the prosecution he was on probation for one of the previous convictions where three open felony charges were pending prosecution. The defendants in the case sought a pre-trial disclosure of any promise of leniency made to the witness in altercation for his favorable testimony against the defendants. The prosecutor revealed some of the arrangements that were made with the witness, but did not advise the defendant that the Assistant district Attorney had agreed that

Malloy the witness was not required to go to prison for the pending charges in case he testified against the defendants.

Brady v. Maryland, 373 U. S 83 (1963) in these case it was established that turnover of information is imperative and is a requirement under the Fourteenth Amendment due process clause. It was further held that the subdual by the prosecution counsel of proof in favor of the accused person upon the appeal by the defendant violates due process. This is because the evidence that is being suppressed is material to establish whether the defendant is guilty or punishment irrespective of good or bad conviction of the trial. This has now been illustrated as the brandy rule.

In the case of People v. Cwikla, the Brady rule was used in this case because the prosecutor failed to confirm correspondence in support with the informant application for parole. In this case, the court alleged that the prosecution is under the obligation to disclose to the defense counsel any correspondence that is made among the office of the Parole Board and the District Attorney. This is because the co-operation of the chief prosecution witness in the hearing of the witness assistants and expresses the optimism that such guarantee will be put into consideration for the defendant's parole.

In the case of People v. Steadman, the Brady Material or rule was used. It was established that in case the District Attorney Fails to disclose an agreement prepared by another prosecutor in the agency because of leniency to cooperating informant, the prosecutor's obligation is not reduced because of the Brady material. Additionally, failure of disclosure lessens the credibility if the government witness. Therefore, the obligation of the

prosecutor is to correct false testimonies and disclose all Brady to the defendant where it was further that a promise made by an officer in the prosecutor's office binds all of them even their subordinates.

Work cited

Brady v. Maryland, 373 U. S. 83 (1963)

People v. Steadman, 82 N. Y. 2d1 (1993)

People v. Cwikla, 46 N. Y. 2d 434(1979)