

Giglio and united states

Business



This was a case where the Supreme Court of the United States held that the prosecutions had failed to inform the jury that a witness had indeed been promised not to be prosecuted if he testified for the government. The petitioner was convicted of passing forged money orders and was therefore sentenced to five years imprisonment. The defense counsel discovered new evidence that indicated that the government had completely failed to disclose an alleged promise that was made to the key witness that he would not be prosecuted only if he testified for the government (Silver, 2001). This was a failure to present all material evidence before the jury which is a violation of due process that is required in a trial.

The evidence at the trial showed that the officials at the manufacturers Hanover Trust Co. found out that Taliento who was a teller at the bank had actually cashed several forged money orders. Further questioning by the FBI agents made him to confess that he had supplied the petitioner with one of the banks customer signature cards that Giglio used to forge \$2, 300 in money orders. This was later on processed by him via the normal channels of the bank (Kanovitz, 2010). Taliento had to link this story to the jury which made the petitioner to be charged.

He was not accused of the crime but was mentioned as a coconspirator with the petitioner. DiPaola is the person who promised Taliento that if he testified for the government he would not be prosecuted. The government filed an affidavit as a way of opposing to a new trial. DiPaola presented the case to the grand jury and did not try the case in the district court. The assistant who took over the case for trial filed an affidavit claiming that

Dipaola had assured him long before the trial began that no promises whatsoever of immunity had been made to Taliento.

The above shows that by DiPaola failing to inform the superiors and the associates is controlling. It is the responsibility of the prosecutor to find out whether the nondisclosure was as a result of ignorance or neglect (Grayling, 2010). The government solely relied on the testimony issued by Taliento. Without this testimony, there could have been no accusation or evidence that would make the case go to the jury. The credibility of Taleinto as a witness was in question and evidence of any agreement or understanding for future prosecution is relevant and the jury must be made aware of it. Giglio was found guilty and was sentenced to five years in prison (Kanovitz, 2010).

The counsel discovered evidence of the discussion between Taliento and the government. With this new evidence, the Supreme Court allowed the certiorari to find out if the evidence that was not disclosed required a new trial.