

Smith v. Cain (Warden), --- U.S. --- (2012)
Decided January 10, 2012

FACTS: Smith was charged with the murder of five people during an armed robbery at a residence. A single witness, Boatner, “linked Smith to the crime.” Boatner was at the scene when Smith and two others entered, demanded money and drugs and started shooting. Boatner identified Smith as the first person through the door, and claimed “he had been face to face with Smith during the initial moments of the robbery.” No other witnesses or evidence implicated Smith. Smith was convicted and appealed. During his appeal efforts, he “obtained files from the police investigation of the case.” The lead investigator’s notes indicated that Boatner had made conflicting statements when he identified Smith as the one of the robbers in that he could not supply any description on the night of the crime other than they were black males. Five days later, Boatner claimed he could not make an ID because he had not seen any faces. The investigator’s formal report stated that Boatner had said he could not identify the perpetrators.

Smith argued for his conviction to be vacated because the failure to disclose the notes violated Brady.¹ The trial court denied his motion and the Louisiana appellate courts agreed. Smith requested certiorari and the U.S. Supreme Court granted review.

ISSUE: If there is a reasonable probability that undisclosed material would have affected the outcome of a trial, must the conviction be reversed under Brady?

HOLDING: Yes

DISCUSSION: The Court noted that the prosecution agreed that it withheld information that was favorable to Smith. The Court noted the sole question to be “whether Boatner’s statements were material to the determination of Smith’s guilt.” Materiality, under Brady, is “when there is a reasonable probability that, had the evidence been disclosed, the result of the proceeding would have been different.”² The Court noted that it would only need to be enough to undermine the confidence in the result of the trial.³ In previous cases, the Court had “observed that evidence impeaching an eyewitness may not be material if the State’s other evidence is strong enough to sustain confidence in the verdict.”⁴ In this case, however, “Boatner’s testimony was the *only* evidence linking Smith to the crime.” His “undisclosed statements directly contradict his testimony” and were “plainly material” in the ultimate conviction.

¹ Brady v. Maryland, 373 U.S. 83 (1963).

² Cone v. Bell, 556 U.S. 449 (2009).

³ See Kyles v. Whitley, 514 U.S. 419 (1995).

⁴ U.S. v. Agurs, 427 U.S. 97 (1976).

The Court agreed that a jury might have discounted his undisclosed statements, recognizing his inability to identify a suspect as a fear of retaliation, for example. However, the “police files that Smith obtained” ... “contain other evidence that Smith contends is both favorable to him and material to the verdict.” The Court held that Boatner’s undisclosed statement alone was sufficient to undermine the trial and elected not to review the additional material.

The U.S. Supreme Court overturned the verdict in the Orleans Parish Criminal District Court and remanded the case for further proceedings.

For Full Text of Opinion, see <http://www.supremecourt.gov/opinions/11pdf/10-8145.pdf>.