No. 26-218

In the Supreme Court of the United States

JUAN MATTHEWS,

Petitioner,

v.

LOUISIANA,

Respondent.

On Petition for a Writ of Certiorari to the Louisiana Court of Appeal, Fourth Circuit

BRIEF OF THE CATO INSTITUTE AS *AMICUS CURIAE* IN SUPPORT OF PETITIONER

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QUESTION PRESENTED

Whether the Louisiana courts erred by denying Petitioner Juan Matthews's *Brady* claim based on the sufficiency of the evidence at trial.

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INTEREST OF *AMICUS CURIAE*[1]

The Cato Institute is a nonpartisan public policy research foundation founded in 1977 and dedicated to advancing the principles of individual liberty, free markets, and limited government. Cato's Project on Criminal Justice was founded in 1999 and focuses in particular on the scope of substantive criminal liability, the proper and effective role of police in their communities, the protection of constitutional and statutory safeguards for criminal suspects and defendants, citizen participation in the criminal justice system, and accountability for law enforcement officers.

This case concerns Cato because the decision below makes it harder to hold prosecutors accountable for misconduct and threatens to erode the constitutional right to a fair trial enshrined in the Due Process Clause of the Fourteenth Amendment.

[1] Rule 37 statement: All parties were timely notified before the filing of this brief. No part of this brief was authored by any party's counsel, and no person or entity other than *amicus* funded its preparation or submission.

SUMMARY OF ARGUMENT

Louisiana is no stranger to *Brady* violations. A full half of this Court's *Brady* reversals come from Louisiana. *Wrongful Convictions in Louisiana*, INNOCENCE & JUST. LA.[2] Juan Matthews's case is yet another entry in that troubling record and a further example of how Louisiana state courts are failing to uphold the Constitution's guarantee of a fair trial.

Juan Matthews was wrongfully convicted of murder in 1992 after the State withheld a substantial amount of exculpatory evidence. Pet. Br. 4–5. Over 30 years into his prison sentence, a records request revealed previously undisclosed police files. *Id.* at 4–5. These files

> supplied an eyewitness who described a different man fleeing the scene, showed that the State's central eyewitness may not have seen the shooting as she claimed, and revealed that a witness who did not have a prior relationship with the victim or his family was shown Matthews's photograph but did not identify him as the suspected shooter.

Id. at 10 (parentheticals omitted).

Upon learning of this evidence, Mr. Matthews applied for post-conviction relief based on the State's violations of *Brady v. Maryland*, 373 U.S. 83 (1963). *Id.* at 10. In a cursory three-and-a-half-page decision, the district court acknowledged that the State failed to disclose evidence but denied Mr. Matthews relief. Pet. App. 15a–16a. The Louisiana Court of Appeals denied

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[2] Available at https://tinyurl.com/mun7fnnc (last visited Aug. 10, 2026).

relief and the Louisiana Supreme Court declined review. *Id.* at 3a, 1a.

"*Brady* violations have reached epidemic proportions . . . ." *United States v. Olsen*, 737 F.3d 625, 631 (9th Cir. 2013) (Kozinski, C.J., dissenting from denial of reh'g en banc). Prosecutors face almost no consequences for withholding exculpatory evidence—even in bad faith. This crisis of accountability, coupled with the desire to obtain high conviction rates, encourages *Brady* violations and results in wrongful convictions. Louisiana exemplifies this crisis, with a near-total absence of accountability for prosecutors and a state judiciary that is reluctant to grant relief.

Robust enforcement of *Brady* is all the more necessary considering the prevalence of plea bargaining. Although the jury trial is foundational to our criminal justice system, more than 97% of convictions come from guilty pleas. *See* U.S. SENT'G COMM'N, ANNUAL REPORT 2025, at 16.[3] Federal and state appellate courts are conflicted over how *Brady* applies to plea bargaining, meaning many defendants are foreclosed from raising *Brady* claims by virtue of having pleaded guilty. But even when courts require pre-plea evidentiary disclosures, prosecutors rely on other mechanisms—like appeal waivers—to ensure that defendants cannot later challenge their convictions because of a *Brady* violation.

This scrutiny-free zone will only expand if *Brady* is not rigorously upheld in the trial context. If defendants lack confidence that any trial they receive will be fair due to the government hiding exculpatory evidence, they will be even more likely to plead guilty.

[3] Available at https://tinyurl.com/4tf47v48.

Reversing the decision below will not only afford Mr. Matthews a fair trial—it will reinforce that *Brady* compliance is essential to the integrity of the criminal justice system.

ARGUMENT

I. *BRADY* VIOLATIONS ERODE DUE PROCESS AND EXACERBATE THE PROSECUTORIAL ACCOUNTABILITY CRISIS.

Reflecting the Constitution's overriding concern "that 'justice shall be done' in all criminal prosecutions," *Cone v. Bell*, 556 U.S. 449, 451 (2009) (citation omitted), *Brady* is meant to prevent prosecutors from withholding exculpatory evidence. Despite this Court's clear instructions, *Brady* violations remain lamentably common. There is little to no accountability for prosecutors who violate *Brady* and the adversarial nature of our criminal justice system does little to encourage compliance. Without judicial intervention, prosecutors will continue to deprive defendants of the due process protections guaranteed by the Constitution.

A. Deliberate *Brady* violations contribute to wrongful convictions.

Brady violations are among the "most common and most serious types of prosecutorial misconduct, and frequently contribute to wrongful convictions that come to light." Brandon L. Garrett et al., *The Brady Database*, 114 J. CRIM. L. & CRIMINOLOGY 185, 186 (2024). According to the National Registry of Exonerations, the government concealed evidence in "27% to 48% of exonerations for every category of non-homicidal crime" and "61% of all" exonerations in murder cases between 1989 and 2020. Samuel R. Gross et al., *Government Misconduct and Convicting the Innocent:*

The Role of Prosecutors, Police and Other Law Enforcement, NAT'L REGISTRY OF EXONERATIONS 32 (Sept. 1, 2020).[4] In the majority of those cases, prosecutors—not officers—were responsible for violating *Brady*. *Id.* at 82; *see also* Garrett et al., *supra*, at 209 (finding prosecutors knew of *Brady* violations nearly two-thirds of the time in a study of 200 cases).

No single answer explains why *Brady* violations happen with such frequency, but there is reason to believe most violations are intentional. Professor Jennifer McAward recently conducted the largest empirical study of *Brady* violations, analyzing 386 state and federal cases involving adjudicated claims over an 18-year period. Jennifer Mason McAward, *Understanding* Brady *Violations*, 78 VAND. L. REV. 875, 879 (2025).[5] State prosecutors intentionally withheld exculpatory evidence in "two of every three cases—66% of the time." *Id.* at 927.

These troubling figures almost certainly understate the true scale of *Brady* violations. That's because *Brady* violations are, by their nature, difficult to detect: Defendants must show that prosecutors withheld material evidence, meaning defendants must somehow discover that which has been concealed from them. Moreover, *Brady* violations are almost always based on evidence absent from the trial record, and "[b]ecause direct appeals offer no opportunity to introduce such evidence, appellate courts cannot make the materiality determination necessary to adjudicate a

[4] Available at https://tinyurl.com/4sx52nc2.

[5] This study looked at claims decided over an 18-year span (2004–2022) but covered convictions entered over a 51-year span (1969–2020). *Id.*

Brady claim on direct review." Anna VanCleave, Brady *and the Juvenile Courts*, 38 N.Y.U. REV. L. & SOC. CHANGE 551, 556 (2014). The onus is on convicted defendants to raise *Brady* violations through post-conviction proceedings—where there is no right to counsel and "it is a challenge to even learn that certain evidence was never disclosed." Jenia I. Turner & Allison D. Redlich, *Two Models of Pre-Plea Discovery in Criminal Cases: An Empirical Comparison*, 73 WASH. & LEE L. REV. 285, 299 (2016).

Even when a defendant successfully raises a *Brady* claim, it is not uncommon for that to take years—or even decades—after conviction. Garrett et al., *supra*, at 215 ("The mean time from conviction to a successful *Brady* claim in our sample was 10 years."); McAward, *supra*, at 935 ("[D]efendants spent an average of 10.4 years in prison after their convictions and up to the time of the final resolution of their claims."). While some defendants are lucky enough to have their claims resolved in pretrial and post-trial motions and on direct review, "[r]oughly two-thirds of successful *Brady* adjudications in state criminal cases are rendered in state postconviction relief (36%) and federal habeas relief (28%)." McAward, *supra*, at 938. "Those who won on *Brady* during state postconviction relief spent, on average, 13.9 years in prison," while "[t]hose who received federal habeas relief spent, on average, 17.2 years in prison." *Id.* Comparing these numbers to the average exoneree, "who spends 9.1 years in prison before exoneration," *id.* at 881, further underscores "the unique harm of extended incarceration that flows from the suppression of evidence." *Id.* at 938.

While innocent defendants endure the most direct and severe consequences of *Brady* violations, wrongful convictions also impose broader societal costs. When an innocent person is convicted of a crime, justice is not served *and* the real criminal remains at large. "The real perpetrators were identified in nearly half" of DNA exoneration cases between 1989 and 2014. Emily West & Vanessa Meterko, *Innocence Project: DNA Exonerations, 1989–2014: Review of Data and Findings from the First 25 Years*, 79 ALB. L. REV. 717, 730 (2016). "[M]any of these real perpetrators went on to commit additional violent crimes, leaving more victims and their families to suffer avoidable crimes." *Id.* at 731. These known additional crimes represent only "a fraction of all subsequent criminal activity, as the real perpetrators have not been identified in half of these DNA exoneration cases and without a name, we cannot know about their criminal activity." *Id.*

Brady violations occur "irrespective of the good faith or bad faith of the prosecution." *Brady v. Maryland*, 373 U.S. 83, 87 (1963). Nonetheless, in "state homicide cases (which . . . give rise to almost half of *Brady* violations), we see the highest rates of intentional misconduct of any category of crime, particularly by prosecutors"—with bad faith present "74% of the time." McAward, *supra*, at 928. This underscores the gravity and systemic nature of these constitutional infringements. When prosecutors "behave[] with such casual disregard for [their] constitutional obligations and the rights of the accused, it erodes the public's trust in our justice system, and chips away at the foundational premises of the rule of law." *Olsen*, 737 F.3d at 632 (Kozinski, C.J., dissenting from denial of reh'g en banc). "When such transgressions are acknowledged yet forgiven by the courts, [they] endorse and invite their repetition." *Id.* The pervasive and ongoing pattern of *Brady* violations demonstrates the urgent need for courts to apply the doctrine vigilantly.

B. The adversarial nature of our justice system, and its lack of accountability for prosecutors, encourage *Brady* violations.

Despite *Brady* violations being "one of the most common forms—if not the most common form—of prosecutorial misconduct . . . discipline is rarely imposed." Margaret Z. Johns, *Reconsidering Absolute Prosecutorial Immunity*, 2005 B.Y.U. L. REV. 53, 146 (2005). On paper, there are civil, criminal, and professional penalties that "could incentivize compliance with *Brady*," but in practice, "these penalties are so infrequent" that they fail to "provide any meaningful chance of sanction or relief." McAward, *supra*, at 895.

Under this Court's precedent, prosecutors enjoy "absolute immunity" from civil liability under 42 U.S.C. § 1983 for actions taken within the scope of their prosecutorial duties. *See Imbler v. Pachtman*, 424 U.S. 409, 428–29 (1976). Absolute immunity shields even "malicious or dishonest action [that] deprives [a wrongly convicted person] of liberty." *Id.* at 427. Moreover, when prosecutors are engaging in non-prosecutorial functions, such as advising the police or investigating cases, they are protected under qualified immunity, which protects "all but the plainly incompetent or those who knowingly violate the law." *Burns v. Reed*, 500 U.S. 478, 495 (1991) (citation omitted).

In foreclosing civil redress, this Court assumed prosecutors would be deterred by criminal penalties or professional disciplinary scrutiny. *See Imbler*, 424 U.S. at 429. But it is exceptionally rare for prosecutors "to face [any] meaningful consequences stemming from a

Brady violation." McAward, *supra*, at 896. While both federal and state law authorize criminal penalties for prosecutorial misconduct, as of last year, "only two prosecutors have ever been convicted for misconduct, and only seven have ever been charged." *Id.* Similarly, while "[s]tate bar associations and even criminal courts themselves have the power to sanction prosecutors," "[d]isbarment or other professional sanctions . . . are infrequent at best." *Id.* "Academics have advocated for judges to be more aggressive in referring prosecutors to the Bar and have called on judges to openly state in judicial opinions that they are doing so." Garrett et al., *supra*, at 233. The judiciary has not answered these calls. A review of over 800 *Brady* claims revealed only one instance of a judicial referral of a prosecutor for possible bar discipline. *Id.*

The absence of any accountability whatsoever for withholding evidence is further underscored by strong institutional incentives. Prosecutors are often under immense pressure to obtain high conviction rates. *See* Sonja B. Starr, *Sentence Reduction as a Remedy for Prosecutorial Misconduct*, 97 GEO. L.J. 1509, 1531 n.137 (2009) ("Conviction rates are probably the most basic measurement of prosecutorial performance."); Richard T. Boylan, *What Do Prosecutors Maximize? Evidence from the Careers of U.S. Attorneys*, 7 AM. L. & ECON. REV. 379, 389–91 (2005) (explaining that the length of prison sentences obtained by federal prosecutors enhanced their subsequent career outcomes); Stephanos Bibas, *Plea Bargaining Outside the Shadow of Trial*, 117 HARV. L. REV. 2463, 2472 (2004) (discussing how political ambitions motivate prosecutors); Daniel S. Medwed, *The Zeal Deal: Prosecutorial Resistance to Post-Conviction Claims of Innocence*, 84 B.U. L. REV. 125, 156 (2004) ("[C]andidates for chief prosecutor and former prosecutors seeking other public offices typically depend upon their conviction rates and track records in high-profile cases . . . ."). Especially in close cases, those structural incentives may lead prosecutors to err on the side of withholding—rather than disclosing—potentially relevant evidence. *See* Kenneth Bresler, "*I Never Lost a Trial": When Prosecutors Keep Score of Criminal Convictions*, 9 GEO. J. LEGAL ETHICS 537, 543 (1996) ("A prosecutor protective of a 'win-loss' record has an incentive to cut constitutional and ethical corners to secure a guilty verdict in a weak case—to win at all costs.").

Brady is supposed to act as a critical safeguard for criminal defendants' right to a fair trial. *See Connick v. Thompson*, 563 U.S. 51, 105 (2011) (Ginsburg, J., dissenting) (describing *Brady* as "among the most basic safeguards brigading a criminal defendant's fair trial right"—in a case concerning a *Brady* violation committed under the same District Attorney whose office tried Mr. Matthews). Yet the continued absence of meaningful consequences for *Brady* violations has made it easy for prosecutors to withhold exculpatory evidence—and so increased the risk of wrongful convictions.

C. Louisiana has a particularly bad *Brady* problem.

Louisiana in particular has been a hotbed for *Brady* violations—as members of this Court have noticed. *See Skinner v. Louisiana*, 146 S. Ct. 1000, 1009 n.4 (2026) (Sotomayor, J., dissenting from denial of certiorari); *Brown v. Louisiana*, 143 S. Ct. 886, 888 (2023) (Jackson, J., dissenting from denial of certiorari) (noting that this Court has repeatedly reversed "Louisiana courts, in particular" for failing to enforce *Brady*).

Louisiana "has the second highest rate of known wrongful convictions in the nation." *Wrongful Convictions in Louisiana*, *supra*. That problem is concentrated in Orleans Parish—where this case originated. The parish ranks 11th overall in exonerations by county, and first among counties with populations over 300,000 and exoneration rates above the national average, exceeding second-place Cook County, Illinois by roughly 22%. NAT'L REGISTRY OF EXONERATIONS, EXONERATIONS BY COUNTY (last updated July 17, 2025).[6] This is consistent with a broader pattern of official misconduct, which contributed to approximately 77% of exonerations in Louisiana since 1989—well above the national contribution rate of 58%. NAT'L REGISTRY OF EXONERATIONS, EXONERATIONS MAP.[7] While *Brady* violations are not the only form of official misconduct, they are a major driver of wrongful convictions throughout the state. Louisiana has the sixth most *Brady* violations nationally—and the second most per capita—as well as "especially high numbers of 'bad faith' violations." McAward, *supra*, at 912–13, 944.

Alarmingly, Louisiana state courts seem complacent with this. Across the nation, state courts grant the vast majority of *Brady* relief, with federal courts doing so just 29% of the time. *Id.* at 936. But in Louisiana, 77% of successful *Brady* cases required federal courts to intervene after state courts denied relief. *Id.* at 939–

[6] Available at https://tinyurl.com/2p9hu88c.

[7] Available at https://tinyurl.com/d654bhc8 (last visited Aug. 10, 2026). This map shows the number of exonerations nationally and by state since 1989. Out of the 3,847 exonerations nationwide, 2,339 involved official misconduct. Selecting Louisiana on the map reveals 89 total exonerations, 69 of which involved official misconduct.

40. That rate is even higher for cases involving intentional misconduct, with federal courts granting the relief 86% of the time. *Id.* at 940. By contrast, in Texas, federal courts provided relief in just 7% of all successful cases and 16% of bad-faith cases. *Id.* at 939. That gap has consequences. Because Louisiana defendants are forced to wait for federal relief, they spend an average of 16 years in prison. *Id.* at 940.

Notwithstanding repeated grants of federal relief, Louisiana state courts continue to disfavor meritorious *Brady* claims. Since 2012, "the Louisiana Supreme Court has released 145 opinions or orders"[8] citing *Brady* and its progeny—but found violations in only two cases. Br. of Two La. Prisoners, Everette Norwood & Ernest Allen, as Amici Curiae Supporting Pet. at 13, Skinner v. Louisiana, No. 25-1 (U.S. July 31, 2025).

Louisiana also refuses to discipline prosecutors for *Brady* violations. To date, the state has only ever disciplined one prosecutor for withholding material evidence. In 2005, former prosecutor Roger Jordan of Orleans Parish—the same jurisdiction where Mr. Matthews was convicted—was censured for withholding evidence in a murder trial that led to the conviction of 16-year-old Shareef Cousin. *In re Jordan*, 913 So.2d 775, 777–78 (La. 2005). Though the Louisiana Supreme Court acknowledged the seriousness of *Brady* violations and the lack of prosecutorial accountability, it issued a mere three-month suspension—one deferred in its entirety, subject to any future misconduct. *Id.* at 783–84.

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[8] The 145-case figure likely undercounts the *Brady* claims that the court has considered, as it omits single-word denials. *Id.* at 13 n.3.

Few prosecutors are more notorious for misconduct than the prosecutor who led Mr. Matthews's case—former Orleans Parish District Attorney Harry Connick Sr. According to the director of the Innocence Project of New Orleans, the city had "the highest known wrongful conviction rate in the world" during Mr. Connick's 1973–2003 time in office. Adam Nossiter, *Harry Connick Sr., New Orleans D.A. Criticized for Overreach, Dies at 97*, THE N.Y. TIMES (Jan 27, 2024).[9] Thirty-two factually innocent exonerees were convicted, and in "27 of those cases there was prosecutorial misconduct by Mr. Connick's assistants." *Id.*

Mr. Connick's misconduct reached this Court in *Connick v. Thompson*. John Thompson was convicted of attempted armed robbery and murder following two trials led by Mr. Connick and his team. 563 U.S. at 54. Mr. Connick's office failed to disclose a crime lab report showing that the blood found at the robbery scene did not match Mr. Thompson's type. *Id.* at 56. When Mr. Thompson learned of this report—after 18 years in prison, 14 years on death row, and a month facing imminent execution—he moved for a new trial and was ultimately acquitted. *Id.* at 54–56.

Mr. Thompson sued Mr. Connick. Although this Court denied relief, Justice Ginsburg protested: "Connick created a tinderbox in Orleans Parish in which *Brady* violations were nigh inevitable. And when they did occur, Connick insisted there was no need to change anything, and opposed efforts to hold prosecutors accountable on the ground that doing so would make his job more difficult." *Id.* at 108 (Ginsburg, J., dissenting). Orleans Parish's prosecutors "were not

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[9] Available at https://tinyurl.com/35ukm6fw (quoting Jee Park).

merely negligent regarding *Brady* . . . . they were deliberately indifferent to what the law requires." *Id.* at 100.

This Court issued *Brady* to ensure that defendants are afforded the fair trial the Constitution promises. Yet in Louisiana, that guarantee is meaningless. State prosecutors withhold evidence at rates that make the state the center of this Court's *Brady* docket, state courts are slow to grant relief, and the one historical instance of state professional discipline is the exception that proves the rule: Louisiana flouts *Brady*.

II. ROBUST *BRADY* ENFORCEMENT IS ESPECIALLY CRUCIAL IN LIGHT OF THE INCREASING PREVALENCE OF PLEA BARGAINING.

The criminal jury trial—the bedrock on which our criminal justice system is founded—is withering away. Plea bargaining, essentially unknown to the Founders, has reduced criminal justice to "a system of pleas." *Lafler v. Cooper*, 566 U.S. 156, 170 (2012); *see also* George Fisher, *Plea Bargaining's Triumph*, 109 YALE L.J. 857, 859 (2000); U.S. SENT'G COMM'N, *supra*, at 16 (reporting that 98% of federal criminal cases in 2025 were adjudicated by plea).

Despite the system's reliance on plea bargaining, the applicability of *Brady* during this stage remains unsettled. When a defendant pleads guilty and subsequently discovers a *Brady* violation, "her ability to bring a claim depends on where she lives and the type of evidence that was suppressed." McAward, *supra*, at 885. In *United States v. Ruiz*, this Court held that defendants are not entitled to receive impeachment evidence prior to entering a guilty plea. 536 U.S. 622, 630

(2002). But *Ruiz* left open the broader question of whether defendants must receive *any* exculpatory evidence. *See generally id.*

In the years since, lower courts have split. The Fifth Circuit has found that there is "no constitutional right to *Brady* material prior to a guilty plea." *Alvarez v. City of Brownsville*, 904 F.3d 382, 392 (5th Cir. 2018) (en banc). The Tenth Circuit has determined that *Brady* requires the disclosure of material exculpatory evidence "under certain limited circumstances." *United States v. Dahl*, 597 Fed. App'x 489, 490 (10th Cir. 2015) (op. of Tymkovich, J.) (quoting *United States v. Wright*, 43 F.3d 491, 496 (10th Cir. 1994)). While other circuits lack precedent, some have expressed skepticism about *Brady*'s application to plea bargaining. *See United States v. Mathur*, 624 F.3d 498, 507 (1st Cir. 2010); *Friedman v. Rehal*, 618 F.3d 142, 154 (2d Cir. 2010); *see also United States v. Moussaoui*, 591 F.3d 263, 286 (4th Cir. 2010) (discussing the circuit split).

Even in jurisdictions requiring pre-plea disclosures, a defendant may be barred from raising a meritorious *Brady* claim because of appellate and collateral-review waivers prosecutors typically extract. A 2014 study found that "the majority of [standard federal plea] agreements preclude all appellate and habeas petitions"—"even in cases where the prosecutor violates a statutory or constitutional prohibition" like the one *Brady* recognizes. Susan R. Klein et al., *Waiving the Criminal Justice System: An Empirical and Constitutional Analysis*, 52 AM. CRIM. L. REV. 73, 87 (2014). Moreover, this Court recently held that an appeal waiver "may be set aside only if the sentence is marred by the kind of egregious error that would bring the judicial system into disrepute"—*Hunter v. United States*, 146 S. Ct. 1702, 1713 (2026)—a "high bar" meant to "offer a safety valve for extreme cases." *Id.* at 1713–14. Whether and when a *Brady* violation would clear that bar remains an open question.

Despite knowing that a guilty plea may foreclose the right to assert a future *Brady* claim, many defendants still plead guilty, often due to overwhelming prosecutorial pressure. Prosecutors have a wide array of tools at their disposal to pressure defendants into pleading guilty, including seeking (or simply anticipating) a "trial penalty" at sentencing;[10] threatening to add charges;[11] threatening to use uncharged or acquitted conduct at sentencing;[12] and threatening to prosecute family members.[13] When combined with the financial, logistical, and psychological burdens of pretrial detention,[14] the risks of going to trial are severe enough to make most defendants plead guilty—even if this means forfeiting their right to receive exculpatory evidence. *See* Jed S. Rakoff, *Why Innocent People Plead Guilty*, THE N.Y. REV. BOOKS (Nov. 20, 2014).[15] Many defendants who are coerced into pleading guilty with

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[10] *See generally* NACDL, THE TRIAL PENALTY: THE SIXTH AMENDMENT RIGHT TO TRIAL ON THE VERGE OF EXTINCTION AND HOW TO SAVE IT 5 (2018), https://tinyurl.com/2whc2yrn.

[11] *Id.* at 50.

[12] *See* WILLIAM R. KELLY & ROBERT PITMAN, CONFRONTING UNDERGROUND JUSTICE: REINVENTING PLEA BARGAINING FOR EFFECTIVE CRIMINAL JUSTICE REFORM 75 (2018).

[13] *Id.*

[14] *See* Russel M. Gold, *Paying for Pretrial Detention*, 98 N.C. L. REV. 1255, 1269 (2020).

[15] Available at https://tinyurl.com/2fds2urm.

little knowledge of the government's case against them may, in fact, be innocent. *See Why Do Innocent People Plead Guilty to Crimes They Didn't Commit?*, INNOCENCE PROJ. ("18% of known exonerees pleaded guilty to crimes they didn't commit.").[16]

Mr. Matthews went to trial, but if the *Brady* violations against him meet with no consequences, the value of trial by jury will diminish further and the pressure to plead guilty will compound. By vindicating the *Brady* rights of defendants like Mr. Matthews, this Court can also reduce the pressure on other accused Americans to falsely plead guilty.

CONCLUSION

For these reasons and those given by Mr. Matthews, this Court should grant the petition and reverse the decision below.

Respectfully submitted,

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[16] Available at https://tinyurl.com/ys676hpf (last visited Aug. 10, 2026).