

IN THE CIRCUIT COURT OF THE
EIGHTEENTH JUDICIAL CIRCUIT, IN
AND FOR BREVARD COUNTY, FLORIDA

CASE NO. 05-2013-CF-064037-AXXX-XX

STATE OF FLORIDA,

Plaintiff,

vs.

MITCHELL A. NEEDELMAN,

Defendant.

SCOTT ELLIS
2013 SEP 10 AM 10:05
FILED IN TVL-01
CLERK OF CIR. CT.
BREVARD CO. FL.

DEMAND FOR FAVORABLE
AND IMPEACHMENT INFORMATION

The Defendant, by and through his undersigned attorney, pursuant to Fla. R. Crim. P. 3.220(b)(4) and the authorities cited below, hereby demands production by the State of Florida of all evidence favorable to the Defendant.

In Brady v. Maryland, 373 U.S. 83 (1963), the Supreme Court held that the suppression of evidence favorable to an accused upon request violates due process. Subsequently, in Giglio v. United States, 405 U.S. 150 (1972), and United States v. Bagley, 473 U.S. 667 (1985), the Supreme Court made clear that all impeachment evidence falls within the Brady rule. In Kyles v. Whitley, 514 U.S. 419 (1995), the United States Supreme Court recently reaffirmed that both exculpatory and impeachment evidence fall within the Brady rule.

In Kyles, the United States Supreme Court also reiterated:

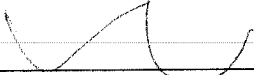


...that the individual prosecutor has a duty to learn of any favorable evidence known to the others acting on the government's behalf in the case, including the police.

Id. at 437. Included among the items which Kyle makes clear would fall within the guidelines of the Brady rule are inconsistent statements of identification by alleged eyewitnesses, *id.* at 441, inconsistent statements by witnesses, *id.* at 444-49, and any evidence which points to the possible guilt of another, *id.* at 448-50.

WHEREFORE, the Defendant demands production of all favorable and impeachment evidence known to the State or its agents.

I HEREBY CERTIFY that a true copy of the foregoing has been furnished by U.S. Mail to the Office of the State Attorney, Felony Division, 2725 Judge Fran Jamieson Way, Bldg. D, Viera, FL 32940, this 9th day of September, 2013.


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