

**BEAVERHEAD  
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March 27, 2018

Editor@BradyCops.org:

I would normally begin a letter such as this with a formal salutation, but unfortunately, you have chosen to hide behind an anonymous "Editor" email title.

Your email demand to "Montana Prosecutors" for a "*Brady* list" presents a number of complications under Montana law.

1. While *Brady* and *Giglio* require disclosure to criminal defendants and their counsel of exculpatory evidence, there is no similar authority compelling the general disclosure of such information to the public. Your organization does not have the standing of a criminal defendant and is not entitled to the same disclosure of evidence.
2. Article II, Section 10 of the Montana Constitution provides individuals in Montana with a constitutionally guaranteed right of privacy. This individual privacy protection is consistently held to far exceed the protections afforded an individual by the U.S. Constitution. The information you demand would violate that constitutionally guaranteed right to privacy, a boundary we cannot cross absent Court order.
3. The information you demand generally is classified by Montana law as Confidential Criminal Justice Information. Disclosure and dissemination is strictly controlled by statute, and processes are provided for seeking such dissemination. The confidential information you demand will not be disseminated absent a Court order.

As Montana's elected County Attorneys, we have taken an oath to support, protect and defend the Constitutions of the United States and Montana. We have an obligation to follow and uphold Montana law. You demand that we do otherwise. Absent a valid Montana court order to the contrary, Montana County Attorneys will not further respond to your "demands."

Sincerely,

  
Jed C. Fitch  
Beaverhead County Attorney