



Big Horn County Attorney

P.O. Box 908
Hardin, Montana 59034
(406) 665-9720
Aequitas et Veritas

March 27, 2018

Dear Editor@BradyCops.org:

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

First, while the U.S. Supreme Court decisions referred to as *Brady* and *Giglio* require prosecutors to disclose to criminal defendants any 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.

Second, Article II, Section 10 of the Montana Constitution provides individuals in Montana with a constitutionally guaranteed right of privacy. This individual privacy protection has been 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 a lawfully issued court order.

Finally, the information you demand is generally classified by Montana statutory 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 a Montana County Attorney, I have taken an oath to support, protect and defend the Constitutions of the United States and Montana. I have an obligation to follow and uphold Montana law. You demand I consider doing otherwise. Absent a valid Montana court order to the contrary, we cannot further respond to your “demands.”

Sincerely,

JAY HARRIS

Gerald “Jay” Harris
County Attorney