

From: Racki, Joshua <jracki@cascadecountymt.gov>

Subject: RE: Records Request (2nd) – Copy Of Brady / Giglio Cops List

Date: March 28, 2018

Editor@BradyCops.org:

This servers as a response to your email demand to “Montana Prosecutors” for a “Brady List.”

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 I 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, 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 that I do otherwise. Absent a valid Montana court order to the contrary, I will not further respond to your “demands.”

Sincerely,

Joshua A. Racki

Cascade County Attorney