

# Wiley Files Supreme Court *Amicus* Brief for 36 Legal Scholars in Plea Bargaining Case

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Washington, DC – Working with the University of North Carolina Supreme Court Program, Wiley Rein LLP filed an *amicus* brief in the Supreme Court of the United States on behalf of a group of legal scholars in support of the petition for a writ of certiorari pending in *Mansfield v Williamson County, Texas*, Case No. 22-186.

Thirty-six prominent legal scholars joined the brief, which argues that the principles laid out in *Brady v. Maryland*, requiring prosecutors to disclose material exculpatory evidence before trial in a criminal case must extend to pre-trial plea negotiations. The brief may be read [here](#).

The *amicus* brief was written by Wiley partner Richard A. Simpson, along with Professors F. Andrew Hessick and Carissa Byrne Hessick of the University of North Carolina School of Law, assisted by Wiley associate Elizabeth Fisher, law students Dylan Jones and Meagan Watson, and Wiley Project Assistant Sophia Winston-Mendoza. Wiley represents the law professors, pro bono, as *amici* in this case.

The litigation stems from petitioner Troy Mansfield's conviction of a serious felony in 1992. In plea negotiations, the prosecutors failed to disclose substantial exculpatory evidence. Notwithstanding protestations that he was innocent, Mansfield pled guilty and accepted a sentence of 120 days to avoid a potential sentence of 99 years to life if he were convicted at trial. Twenty-three years later, in 2016, after the facts about the circumstances of the guilty plea became known, Mansfield's conviction was vacated.

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## Practice Areas

Issues and Appeals

Mansfield then sued in federal court under 42 U.S.C. § 1983, arguing that Williamson County prosecutors had violated his constitutional rights by withholding evidence during plea bargaining. The District Court granted summary judgment to Williamson County. A three-judge panel of the Fifth Circuit affirmed, noting that it was bound to do so by Fifth Circuit precedent. Two of the judges wrote concurrences disagreeing with that precedent and urging the Supreme Court to grant certiorari to resolve a split in the lower courts.

The legal scholars' Supreme Court *amicus* brief explains that the essence of plea bargaining is a negotiation by which a defendant pleads guilty to a crime, thereby waiving fundamental constitutional rights, in exchange for a lesser sentence. A rational defendant's decision whether to plead guilty depends on an assessment of the likelihood of conviction at trial and the resulting punishment, versus the punishment that will be imposed if the defendant pleads guilty. Allowing prosecutors to withhold material exculpatory evidence during plea negotiations distorts this process, causing the defendant to overestimate the likelihood of conviction at trial.

The *amicus* brief also notes that the prevalence of plea bargains today runs contrary to historical practice, which disfavored guilty pleas, and argues that plea bargaining creates constitutional concerns because it presents a real risk of prosecutors coercing defendants to accept pleas. The legal scholars emphasize that the only way to alleviate these constitutional concerns is to require procedures aimed at promoting fairness in the plea-bargaining process.

"Maintaining fairness and integrity in plea bargaining is critical to ensuring that plea bargaining is a constitutional process under which a defendant chooses to admit guilt to avoid the risk of harsher penalty," the legal scholars said in the brief. The mandatory disclosure of material exculpatory evidence in the prosecutor's possession is essential to achieve that fairness.