1 **CRIMINAL DISCOVERY**

O.C.G.A. §§17-16-1 – 17-16-10 FELONIES
O.C.G.A. §§17-16-1 – 17-16-10 MISDEMEANORS

2 **§ 17-16-3. Copy of indictment or accusation and list of witnesses furnished**

Prior to arraignment, every person charged with a criminal offense shall be furnished with a copy of the indictment or accusation and a list of witnesses that may be supplemented pursuant to the other provisions of this article.

3 **17-16-4. Disclosure required by prosecuting attorney and defendant**

4 **Differences from Civil discovery:**

Defendant can opt in or not
- not mandatory

Criminal discovery is RECIPROCAL

5 **Statements to be disclosed:**

1. Defendant's statements;
2. Co-defendant's statements;
3. Witness statements
4.

(Usually at least 10 days prior to trial)

6 **Other requirements:**

1. inspections allowed;
2. reducing oral reports to writing;
3. continuing duty to disclose;

4. discovery creating threat of physical or economic harm

7 ☐ **§ 17-16-8. Lists of names and information concerning prosecution witnesses**

10 Days prior to trial

8 ☐ ***Brady* material**

"Brady material" or evidence the prosecutor is required to disclose under this rule includes any evidence favorable to the accused.

9 ☐ ***Brady* material**

▶"BRADY MATERIAL" –any evidence that goes towards negating a defendant's guilt,

▶that would reduce a defendant's potential sentence, or

▶evidence going to the credibility of a witness.

10 ☐

***Brady v. Maryland*,**
373 U.S. 83 (1963)

11 ☐ **QUESTIONS?**