

THE CRIMINAL DEFENSE TRIAL ATTORNEY'S DISCOVERY & BRADY AUDIT PROTOCOL

A 14-POINT AUDIT PROTOCOL FOR 30,000-PAGE PROSECUTION DISCOVERY DUMPS, BRADY/GIGLIO VETTING & CONSTITUTIONAL SUPPRESSION

Uncover exculpatory evidence, expose chain-of-custody breaks, catch witness contradictions, and sanction-proof your defense before the plea cutoff.



WHY IT MATTERS

When the prosecution dumps 30,000 pages of discovery with a plea cutoff in 14 days, a single missed exculpatory dispatch log, undisclosed Giglio cooperator deal, or FRE 901 chain-of-custody gap can mean the difference between a dismissed indictment and decades of incarceration. This protocol gives criminal defense teams a defensible, repeatable audit system to ensure every factual assertion is anchored to the record, constitutional suppression issues are captured, and trial strategy is insulated under Strickland v. Washington and ABA Criminal Justice Standards.

1. RECORD & BATES TRACEABILITY (THE 30,000-PAGE TRIAGE)

- ☐ **Exact Pinpoint Bates Match:** Does every factual assertion, defense motion paragraph, and cross-examination premise cite an exact Bates stamp (e.g., DEF-008412), bodycam timestamp, or exhibit number?
- ☐ **The 3-Second Open-Court Test:** If you open the cited source in court or during motion argument, is the referenced exculpatory quote or discrepancy highlighted and instantly verifiable on that exact page?
- ☐ **Context Completeness & Supplemental Check:** Did the prosecution excerpt or officer summary omit an adjoining sentence, CAD dispatch transmission, or initial field note that completely changes the narrative context?

2. BRADY, GIGLIO & EXCULPATORY EVIDENCE AUDIT

- ☐ **Undisclosed Cooperator Consideration Check:** Have all co-defendant proffer agreements, plea leniency promises, cash payments, immigration assistance, and juvenile record expungements been cross-checked against Giglio disclosures?
- ☐ **Prior Inconsistent Statements & Grand Jury Audit:** Has every witness statement in raw police reports been systematically cross-referenced against 911 audio transcripts, preliminary hearing testimony, and grand jury transcripts for material contradictions?
- ☐ **Negative Proof & Alternative Suspect Isolation:** Are negative DNA/fingerprint comparisons, unpursued tips identifying alternative suspects, and contradictory ballistics results affirmatively isolated rather than lost in the document dump?

3. CONSTITUTIONAL SUPPRESSION & 4TH/5TH/6TH AMENDMENT INTEGRITY

- ☐ **Terry Stop Duration & Expansion Audit:** Did the traffic stop or street encounter exceed the time required to complete the initial traffic mission without independent reasonable articulable suspicion?
- ☐ **Franks v. Delaware Warrant Affidavit Audit:** Were material misrepresentations, reckless omissions of exculpatory facts, or stale informant claims identified to substantiate a Franks evidentiary hearing?
- ☐ **Custodial Interrogation & Invocation Verifier:** Was Miranda administered prior to custodial questioning, and did police cease all interrogation immediately upon any clear invocation of the right to counsel or silence?

4. FRE 901 CHAIN OF CUSTODY & EVIDENCE AUTHENTICATION

- ☐ **Physical Weight & Property Receipt Discrepancies:** Do the gross/net weights in the forensic laboratory chemistry report match the field arresting officer's initial property invoice, or is there an unexplained mass variance?
- ☐ **Digital Extraction & Bodycam Log Integrity:** Are there missing time intervals, unrecorded buffer minutes, or hash transfer discrepancies between field bodycam captures and the final discovery production repository?
- ☐ **Field Test vs. Confirmatory Lab Gap:** Is the state relying on an unverified presumptive field color test (NIK/TruNarc) without a certified gas chromatography-mass spectrometry (GC-MS) laboratory confirmation report?

5. LEAD COUNSEL SIGN-OFF & STRICKLAND IAC-PROOFING

- ☐ **Adversarial Pressure Test:** If the court asks for proof during the suppression hearing or trial, can the defense instantly project the exact police report line or CAD dispatch audio demonstrating the constitutional violation?
- ☐ **Rule 11 & Strickland Diligence Certification:** Has lead counsel certified that reasonable inquiry was completed across the entire production to protect the client and preclude Ineffective Assistance of Counsel (IAC) claims under Strickland?

RED FLAGS TO WATCH FOR

-  **Unanchored Factual Claims:** Any assertion in a suppression motion or trial outline that lacks a specific Bates number, bodycam minute mark, or CAD transcript line.
-  **Late-Breaking Police Supplementals:** Officer narratives filed weeks or months after arrest that suddenly recall "furtive movements" or verbal admissions absent in initial notes.
-  **Unreconciled Witness Statements:** Witness statements in police 302s that directly contradict dispatch 911 calls or contemporaneous officer bodycam audio.
-  **Chain-of-Custody Black Holes:** Evidence transfer logs missing custodian badge numbers, unsealed evidence bags, or discrepancies in seized narcotic gross weights.
-  **Ghost Informant Credentials:** Warrants executed on undisclosed confidential informants without verified reliability logs, proffer contracts, or prior track records.

MANAGING TRIAL COUNSEL'S NOTE



"Lead defense counsel cannot spend 80 unbillable hours manually reading 30,000 pages of raw discovery. You need an institutional, repeatable audit system so any associate or paralegal can prove every Brady fact, suppression ground, and witness contradiction is 100% verified before the plea cutoff expires."

ETHICS & IAC GOVERNANCE CHECK



Has this case file been audited against the 14-point protocol under ABA Criminal Justice Standard 4-4.1 and Strickland v. Washington prior to entering plea negotiations or proceeding to trial?

✦ AUTOMATE WITH NEXLAW

Scan 30,000 pages of discovery and auto-tag every Brady violation, FRE 901 chain break, and witness contradiction in minutes

YOUR CLIENT'S LIBERTY IS AT STAKE. VERIFY EVERY FACT BEFORE THE PLEA CUTOFF.