

In the
Supreme Court of the United States

BRUCE MASON,

Petitioner,

v.

STATE OF DELAWARE, ET AL.,

Respondents.

On Petition for a Writ of Certiorari to the
United States Court of Appeals for the Third Circuit

PETITION FOR A WRIT OF CERTIORARI

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QUESTIONS PRESENTED

1. Whether the State's failure to disclose that its centerpiece witness was admitted to a psychiatric hospital prior to testifying, which was discovered years later in a discharge summary that the State now concedes was *Brady* material, and thereby precluded the defense from exploring impeachment material on the only witness that could testify about the defendant's criminal actions alleged as no forensic evidence existed, is a violation under *Brady v. Maryland*, 373 U.S. 83 (1963) as such psychiatric admission disclosure should be deemed absolute and material pursuant to *Kyles v. Whitley*, 514 U.S. 419 (1995) and thereby overcoming any procedural defect so as to assure a defendant receives due process.

2. Whether this Court should clarify the discrepancy that exists between the Second Circuit Court and Third Circuit Court regarding the *Brady* disclosure requirement by a state's prosecuting unit of their centerpiece witness's psychiatric records which could be used for impeachment purposes where said witness's testimony is the only evidence of the specific crimes charged.

PARTIES TO THE PROCEEDINGS

Petitioner and Petitioner-Appellant below

- Bruce Mason

Respondents and Respondents-Appellees below

- State of Delaware
- Superintendent James T. Vaughn
Correctional Center
- Attorney General Delaware

LIST OF PROCEEDINGS

U.S. Court of Appeals for the Third Circuit

No. 24-2162

Bruce Mason, *Appellant*, v. State of Delaware;
Superintendent James T. Vaughn Correctional
Center; Attorney General Delaware, *Appellees*

Date of Final Opinion: March 26, 2025

Date of Rehearing Denial: May 28, 2025

U.S. District Court for the District of Delaware

No. 21-864-GBW

Bruce Mason, *Petitioner*, v.
Scott Ceresini, Warden, and Attorney General of the
State of Delaware, *Respondents*

Memorandum Opinion: June 4, 2024

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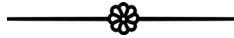
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OPINIONS BELOW

The Opinion of the United States Court of Appeals for the Third Circuit, was issued on March 26, 2025, (App.1a). The Opinion of the U.S. District Court for the District of Delaware was issued on June 4, 2024, (App.10a). These opinions were not designated for publication.



JURISDICTION

The Third Circuit Court of Appeals denied to rehear Mason's Petition for Rehearing on May 28, 2025. (App.46a). Mason files his writ of certiorari on within 90 days of that final order. This Court has jurisdiction under 28 U.S.C. § 1254(1).



CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

U.S. Const. amend. XIV, § 1

. . . No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

28 U.S.C. § 1254(a)

The Supreme Court, a Justice thereof, a circuit judge, or a district court shall entertain an application for a writ of habeas corpus in behalf of a person in custody pursuant to the judgment of a State court only on the ground that he is in custody in violation of the Constitution or laws or treaties of the United States.

**INTRODUCTION**

In February 1993, Bruce Mason was indicted on four counts of first degree unlawful sexual intercourse and one count of first degree kidnapping alleging penetration in vaginal sex, oral sex on her, oral sex on Mason and unlawfully restraining her “RR”. At the time of the alleged incidents, Mason was nineteen years old and RR was thirteen years old. A trial was held on June 21, 1994 through June 24, 1994 at which RR testified that she was the only person in the room with Mason as they were alone and that he assaulted her as charged. Unbeknownst to Mason, nor his counsel, RR had been admitted to a psychiatric hospital during the week of the trial for several psychiatric diagnosis including suicidal ideation and personality disorder and drug use, along with other psychiatric disorders. The State prosecutors were aware of RR’s psychiatric hospitalization, as they had visited RR at the hospital during the week of the Mason trial, but never disclosed such knowledge to the defense attorney for Mason. The State Prosecutors were also aware that the Attorney for Mason had challenged RR’s

competency in a pretrial motion but did not have any medical evidence at the time to support its motion which was denied. Mason was convicted on three counts of first degree unlawful sexual intercourse related to penetrative vaginal and oral sex. As a result of the conviction, Mason was sentenced to 48 years in state prison, suspended after serving 45 of those years.

Some twenty-four (24) years later, Mason discovered that RR had been admitted to a psychiatric hospital and that the State prosecution knew it and failed to disclose it. Additionally, RR authored a written letter indicating that she had been admitted to said hospital and also indicated that Mason had not penetrated her as alleged. This newly discovered medical evidence, had it been disclosed pursuant to *Brady v. Maryland*, 373 U.S. 83 (1963), would have permitted Mason to use such evidence to help impeach RR's testimony consistent with *Kyles v. Whitley*, 514 U.S. 419 (1995) as the only direct evidence of the alleged assault was the testimony of RR. In order to find Mason guilty, as there was no forensic evidence and RR did not disclose any alleged assault for some four months afterwards, the jury had to find RR credible. Mason's defense would be centered a impeaching RR which he was denied the opportunity to so explore and thus deny his right to a fair trial.

The materiality of psychiatric records and their disclosures by the prosecution should be deemed absolute where only the defendant and the alleged victim are the only two witnesses to their actions and no forensic evidence exists to corroborate the victim's account of the incidents. Consistent with the Second Circuit Court of Appeals decision in *Fuentes v. Griffin*, 829 F.3d 233 (2nd Cir. 2016), this Court should clarify

the discrepancy that exists between Circuit Courts, as exists herein between the Second and Third Circuit Courts, regarding the *Brady* disclosure requirement of psychological records as deeming them material for possible impeachment purposes.



STATEMENT OF THE CASE

Petitioner Bruce Mason, hereinafter “Mason”, is currently serving a forty-five (45) year sentence based on a 1994 conviction of three (3) counts of Unlawful Sexual Intercourse First Degree, each carrying a mandatory fifteen (15) year sentence. The conviction followed a jury trial in the Superior Court of Delaware which took place June 21 through June 24, 1994. At the time of the alleged acts, Mason was nineteen (19) years of age and the alleged victim RR, hereinafter “RR”, was thirteen (13). Mason was originally arrested on November 19, 1992 based on a report to the police by the mother of RR who indicated that Roberts’ current boyfriend had disclosed that Mason had assaulted RR.

A grand jury was impaneled but failed to return an original indictment on the facts presented in December of 1992 as no specific date nor time period could be identified. The State, by letter dated January 14, 1993, indicated its intent to seek re-indictment which it did on February 1, 1993. The re-indictment charged Mason with five (5) felonies allegedly committed on, or about, August 1992:

- a. Kidnapping First Degree;
- b. Unlawful Sexual Intercourse First Degree;

- c. Unlawful Sexual Intercourse First Degree;
- d. Unlawful Sexual Intercourse First Degree;
- e. Unlawful Sexual Intercourse First Degree;

Based on the re-indictment being successful, the State entered a *nolle prosqui* on the original charges. Subsequent thereto, a Motion to Amend the Re-Indictment was granted on October 25, 1993 after which the State delivered a “Waiver of Indictment and Information” to the defense in a letter dated October 27, 1993. In a letter dated November 7, 1993, the State wrote to defense counsel and noted the “informations should read ‘on or about June 27, 1993 and August of 1992’ the defendant did commit the criminal offenses”. On November 17, 1993 trial counsel solicited the signature of Mason on “some documentation regarding the re-indictment” and that the State was “locked on the date of June 27, 1992”, which was contrary to the letter received from the State which listed June to August dates.

After Mason’s conviction on June 24, 1994 and his subsequent sentencing to a cumulative forty five (45) year sentence, Mason timely filed direct appeals which upheld his conviction. On January 4, 1996, Mason filed a timely Motion for Post Conviction Relief pursuant to Delaware Superior Court Rule 61; said motion was denied on April 11, 1996. The Supreme Court of Delaware affirmed the lower court on March 14, 1997. On a subsequent, pro se filing for Post Conviction Relief, Mason filed a petition on February 24, 1998, which was ultimately denied April 28, 1998.

On or about February 20, 2019, Mason filed a Delaware Rule 61 motion in the Delaware Superior Court based on new and exculpatory evidence previously

unknown to Mason and also contesting jurisdiction of the Delaware courts. Said newly discovered evidence was both a written statement of RR in which she contradicts her previous testimony at Mason's trial as well as a summary medical record evidence that RR was being treated for psychiatric ailments including suicide ideations in a psychiatric center at the time of Mason's trial. The record indicated that the State's prosecution was aware of such treatment as they visited RR there and never disclosed such information to Mason, nor Mason's trial counsel, nor to the court, all while knowing they had a duty to disclose pursuant to *Brady v. Maryland*, 373 U.S. 83 (1963).

The newly discovered evidence included a *Discharge Summary* from the Rockford Psychiatric Center (hereinafter "Rockford") which disclosed that RR had been a patient there from June 18, 1994 through June 23, 1994; Mason's trial was June 21, 1994 through June 24, 1994; RR had testified on June 22, 1994. The Rockford summary shows that RR was admitted stating "Admission Diagnosis of-Occupational defiant disorder /Personality disorder/ GAF 50; past six months." The notes go further to state "She has suicidal ideation . . . She said she'd kill herself or someone else . . . daily drug user . . . sexual abuse." She further reports the threat of suicide to police. The Rockford summary also clearly indicates that the prosecutors in Mason's case had knowledge of RR's location at Rockford Psychiatric Center as the records state "The prosecutor's office was permitted to visit her" (emphasis added). Additionally, RR's hand wrote a statement in June of 2018 in which she stated "there was no penetration" and that sexual assaults were a regular occurrence where she was living during the time of the allegations in the

Mason case as her step father had regularly sexually assaulted her sister. She refers to the Mason occurrence as a “so called rape” but clearly indicates she was pushed by the prosecution to indicate it was.

Said Delaware Rule 61 motion was denied both by the Delaware Superior Court and on appeal to the Delaware Supreme Court on December 16, 2020 which prompted Mason filing a timely habeas corpus Petition under 28 U.S.C. § 2254. The District Court of Delaware denied Mason’s habeas but permitted the right to appeal to the Third Circuit on whether the suppressed medical summary was material under *Brady v Maryland*, 373 U.S. 83 (1963). Mason did so appeal to the Third Circuit Court of Appeals which upheld the District Court’s denial on March 26, 2025 and confirmed the denial when it refused a rehearing on May 28, 2025.



REASONS FOR GRANTING THE PETITION

After spending 24 years in state prison, Mason learned that the State prosecutors had knowledge that the key witness against him in his trial had been admitted to a psychiatric hospital during the week of trial and the prosecution knew it but never disclosed it to Mason nor his counsel. Additionally, the key witness (RR) gave an investigator a written statement that included that she denied any penetration by Mason but was informed to indicate such penetration by the prosecution at trial. RR assisted in the retrieval of any remaining records from the psychiatric hospital she was admitted to (Rockford Center) which consisted only of a discharge summary. Within the discharge summary were entries which indicated RR had “suicidal ideations, stressors, hopelessness, severe,” she called the police to get herself admitted, “she said she’d kill herself or someone else, she reports other sexual abuse, has been in counseling with Kevin Johnson two or three times. She use to use drugs every day, but ‘It’s been slowing up’, tests of judgment were somewhat impulsive, the prosecutor’s office was permitted to visit her.” noted marijuana metabolites and noted on her lab studies”. All of the information regarding RR’s admittance to the Rockford Center, as summarized in the discharge summary, should have been disclosed to Mason pursuant to *Brady v. Maryland*, 373 U.S. 83 (1963). The State prosecutors were well aware of RR’s psychiatric admission and even visited her there, but chose not to disclose it.

As stated by this Court in *United States v. Nixon*, 418 U.S. 683, 709 (1974) “the very integrity of the judicial system and public confidence in the system depend on full disclosure of all facts, within the framework of the rules of evidence” and “due process requires that prosecutors disclose all evidence that is “favorable to an accused” and “material either to guilt or to punishment.” *Brady*, 373 U.S. at 87. Coupled with the requirement that a defendant has the right to confront a witness against him with impeachment cross examination, *Pointer v. Texas*, 380 U.S. 400, 403-406 (1965), the suppression of RR’s psychiatric hospitalization is a clear violation of its *Brady* requirement.

The materiality requirement to overcome any procedural defect that the Third Circuit Court of Appeals ruled Mason did not overcome was a misapplied legal standard of *Kyles v. Whitley*, 514 U.S. 419 (1995) and *United States v. Bagley*, 473 U.S. 667 (1985) in that it considered testimony from two witnesses who were not in the room where RR testified, misread the testimony of one of those witnesses and considered such to be “strongly corroborating” of the crimes Mason was convicted of. As the crimes charged required proof of specific acts that only RR could testify to, and with no forensic evidence to corroborate RR’s testimony, “strong corroboration” of RR’s testimony to overcome impeachment did not exist. The suppression of the psychiatric evidence of RR’s admission to the Rockford Center, denied Mason the opportunity to develop and overcome any corroborating evidence and should be considered a *Brady* violation *ab initio*.

In the case from the Second Circuit Court of Appeals, said court decided that a *Brady* violation occurred when the prosecution failed to disclose a

psychiatric record that the key witness in a sexual assault case had been treated at such facility after the alleged incident and prior to trial. *Fuentes v. Griffin*, 829 F.3d 233 (2d Cir. 2016). The *Fuentes* case involved similar facts to Mason's in that it was a he said/she said testimonial case regarding the sexual encounter and had two witnesses testify to attempt to corroborate the victim's account of what happened between her and the defendant. In spite of the two corroborating witnesses testimony, the Second Circuit found that the failure to disclose the psychiatric records was a *Brady* violation as said suppression by the prosecution of such evidence precluded the defendant from attempting to impeach the key witness and thus was material. *Fuentes* at 256. Contrary to this Second Circuit's opinion in *Fuentes*, the Third Circuit has ruled in Mason that such disclosure of psychiatric records are not a *Brady* violation under circumstances and facts identical to those in *Fuentes*. This conflict is of such importance that this Court should use its power to clarify the discrepancy that exists between District Courts.

I. NEWLY DISCOVERED AND EXCULPATORY EVIDENCE THAT THE PROSECUTION FAILED TO DISCLOSE

When a State's prosecuting arm fails to disclose that its centerpiece key witness was admitted and treated at a psychiatric hospital prior to trial, it has committed a *Brady* violation in precluding a defendant from impeaching said key witness. Mason hereby sought relief under 28 U.S.C. § 2254 claiming that the state court decisions were contrary to clearly established U.S. Supreme Court precedent under *Brady v. Maryland*, 373 U.S. 83 (1963) and involved an unreasonable application thereof. 28 U.S.C. § 2254(d)(1); *Williams v. Taylor*, 529 U.S. 362 (2000).

The “contrary to” clause of section 2254(d)(1) is violated if the state court reaches a result opposite to the one reached by the U.S. Supreme Court on the same question of law or arrives at a result opposite to the one reached by the Supreme Court on a “materially indistinguishable” set of facts. *Williams*, at 405-06. An “unreasonable application” occurs if the state court identifies the correct rule of law but applies that principle of the facts of the petitioner’s case in an unreasonable way.

The Due Process Clause of the United States Constitution prohibits the criminal conviction of any person except upon sufficient proof of guilt of every element of the charged offense beyond a reasonable doubt. *Jackson v. Virginia*, 443 U.S. 307 (1979). “The prosecution [has an] affirmative duty to disclose evidence favorable to a defendant . . .” *Kyles v. Whitley*, 514 U.S. 419, (1995) at 432.

The information recently discovered, the summary discharge document, could not have been previously discovered by due diligence as the State failed to disclose such exculpatory information to the defense in violation of Mason’s rights pursuant to *Brady v. Maryland*, 373 U.S. 83 (1963); *United States v. Agurs*, 427 U.S. 97 (1976). The State failed to disclose RR’s involuntary commitment to the Rockford Center despite knowing that she was involuntarily committed on or about the actual time of her trial testimony; counseled RR about how to testify in order to make the State’s case stronger so that Mason would “get better.” Additionally, RR now, in a statement given to an investigator 24 years later, denies that “penetration” — a necessary element of each offense for which Mason was convicted and sentenced — even occurred.

The duty to disclose favorable evidence to an accused is applicable irrespective of whether the accused made a request; *Agurs* at 107; and in *United States v. Bagley*, 473 U.S. 667 (1985), the Court held that the duty exists irrespective of whether the information bears on the defendant's innocence or a witness's impeachment. Failure to disclose RR's hospitalization denied Mason and the Trial Court the opportunity to investigate the competency of the witness to appear and testify. It further denied the defense the opportunity to adequately cross-examine Roberts at trial; thus violating Mason's due process rights.

Ironically, the defense had filed a pretrial motion to have RR evaluated for competency during pre-trial proceedings. That motion was denied as the defense could not produce any evidence in support of its motion. Clearly, the prosecution was aware of the defense requests regarding Roberts and later hid her psychiatric commitment from the defense thus violating Mason's due process rights to a fair trial. The State's blatant withholding of knowledge of RR's hospitalization demonstrated a lack of candor to the Trial Court, violated Mason's Confrontation Clause rights guaranteed by the United States Constitution and by the Delaware Constitution, violated Mason's rights to exculpatory information pursuant to *Brady v. Maryland* and violated *Jencks v. United States*, 353 U.S. 657 (1957).

On June 18, 2018, RR gave a statement concerning the underlying case. (App.76a). She stated that she was counseled by the prosecution to testify in such a way so that the case against Mason would be stronger so that Mason would get counseling. Further, RR denies that any "penetration" actually occurred. She

stated that Louis Reader forced her to accuse Mason to cover for his own crimes against RR's sister. Louis Reader was listed as a witness at Mason's trial but was never called by the prosecution. RR's statements are exculpatory now and would have been exculpatory in 1994 when she testified at Mason's trial. Each assertion in her new statement was also true when she testified. Each assertion would have been fair game for cross-examination before the jury. The information that she has presented to Mason's motion in 2018 would have resulted in a "not guilty" verdict at trial had it been provided prior to trial and clearly undermines the verdict rendered.

The foregoing exculpatory information is compounded by the fact that the State failed to disclose RR's psychiatric condition during trial. Pursuant to the recent case of *Fuentes v. Griffin*, 829 F.3d 233 (2d Cir. 2016), on facts close to identical to Mason's, where the prosecution failed to disclose the psychiatric/psychological hospitalization of the victim/witness in a case involving the credibility of said witness, the court found a Brady violation requiring the reversal of a conviction. See *Brady v. Maryland*, 373 U.S. 83 (1963); *Fuentes v. Griffin*, 829 F.3d 233 (2d Cir. 2016). Consistent with *Fuentes*, here, RR and Mason were the only two people who were present and alone in the room where the incident allegedly occurred. The Jury's verdict of guilt against Mason could only have been returned if the Jury believed in the credibility of RR as she was the centerpiece of the State's case. This allegation was a delayed report to the police by a third party several months after the alleged incident. Significantly, there were no forensics or other physical evidence offered to corroborate RR's testimony. The facts presented to the

jury were strictly “he said/she said.” as they were in *Fuentes*. While the District Court and the Third Circuit Court of Appeals attempts to find that the testimony of both RR’s stepbrother and George English as corroborating RR’s account of what happened in the room in which only RR and Mason were in, neither witness corroborated any vaginal, oral or anal penetration which was required for a conviction on any of the charges of Unlawful Sexual Intercourse 11 Del. C. 775 (“USI First Degree”) of the Delaware Crimes Code. The stepbrother’s testimony could have been considered corroborating had RR made a statement to him at the time consistent with her testimony at trial, but she did not state to him that anything had happened. Likewise, the testimony of George English of oral sex indicates something that RR did not testify to nor tell anyone else had happened so it should have not been considered corroborative. Mason’s convictions involve penetration which no other corroborative testimony confirmed. RR’s credibility was the centerpiece of the Mason case. (*Fuentes*).

Failure to disclose that RR was undergoing inpatient treatment for suicidal ideations during the week of trial denied Mason his Constitutional rights to due process, confrontation, and exculpatory evidence, and thereby eliminated his ability to challenge her credibility meaningfully. In *Fuentes*, the victim actually spoke to two witnesses the night of the incident who testified at trial to attempt to corroborate her testimony, inconsistent statements had nothing to do with the *Brady* violation in *Fuentes*, and the Rule 61 that Mason was required to use in his Delaware motion and its standards surely can’t supersede a *Brady* due process violation. The State had a duty to disclose evi-

dence favorable to Mason, particularly evidence that bears on the witness's credibility. A defendant in a criminal prosecution has the right under the Confrontation Clause of the *Sixth Amendment* by way of the *Fourteenth Amendment* in a state prosecution to confront the witnesses against him including to impeach by cross-examination. *Pointer v. Texas*, 380 U.S. 400, 403-406 (1965); *Davis v. Alaska*, 415 U.S. 308, 315-16 (1974). Here, it is obvious that a State Prosecutor visited Roberts at the Rockford Center. The State was fully aware that Roberts was involuntarily committed to a psychiatric facility. Eggregiously, the State knowingly failed to disclose the information to either the defense or the Trial Court – despite the fact that RR was the State's star witness and despite the fact that the defense had earlier in the case motioned the Trial Court to order a psychiatric evaluation. *See Fuentes v. Griffin*, 829 F.3d 233 (2d Cir. 2016). *See also Brady v. Maryland*, 373 U.S. 83 (1963).

The materiality requirement in a *Brady* argument is clearly met here as such psychiatric admission and treatment of a key witness should be an absolute disclosure as a key witness's testimony, which is the only testimony able to prove elements of the crimes where no forensic evidence exists, is paramount to the prosecution's case. The impeachment of the key witness was of infinite value to any defense and could have certainly resulted in Mason's acquittal. As in *Fuentes*, the psychiatric records from the Rockford Center "provided the only evidence with which the defense could have impeached" RR. *See Fuentes, supra*. *Kyles v. Whitley*, 514 U.S. 419 (1995). And in *Banks v. Dretke*, 540 U.S. 668 (2004), the Court explained regarding "materiality" that the "question is not whether the

defendant would more likely than not have reached a different verdict with the evidence, but whether in its absence he received a fair trial. *Bagley*, at 678. Further, had the prosecution disclosed RR's admission into a psychiatric hospital, the defense would have been able to have her records reviewed by an expert; and thus would have been able to present such testimony regarding the credibility of RR's testimony.

The prosecution violated their affirmative duty to disclose favorable evidence to the defense thus denying Mason of a fair trial. *Kyles*, at 432. Couple this with the *United States v. Bagley*, 473 U.S. 667 where the Court held that the duty to disclose exists irrespective of whether the information bears on the defendant's innocence or a witness's impeachment, and you have a clear violation of Mason's due process rights warranting relief. The materiality aspect of a key witness's admission to a psychiatric hospital is of such importance to impeachment of a key witness, that disclosure by the prosecution should be absolute.

II. CONFLICTS BETWEEN CIRCUITS

There exists a conflict of decisions that this Court could herein clarify. In the case from the Second Circuit Court of Appeals, said court decided that a *Brady* violation occurred when the prosecution failed to disclose a psychiatric record that the key witness in a sexual assault case had been treated at such facility after the alleged incident and prior to trial. *Fuentes v. Griffin*, 829 F.3d 233 (2d Cir. 2016). The *Fuentes* case involved similar facts to Mason's in that it was a he said/she said testimonial case regarding the sexual encounter and had two witnesses testify to attempt to corroborate the victim's account of what happened between her and the defendant. In spite of the two corroborating witnesses testimony, the Second Circuit found that the failure to disclose the psychiatric records was a *Brady* violation as said suppression by the prosecution of such evidence precluded the defendant from attempting to impeach the key witness and thus was material. *Fuentes* at 256. Contrary to this Second Circuit's opinion in *Fuentes*, the Third Circuit has ruled in *Mason* that such disclosure of psychiatric records are not a *Brady* violation under circumstances and facts identical to those in *Fuentes*. By having these two District Courts deciding similar cases with opposite results, it allows for defendants to obtain relief in one district while not receiving the same relief in another district. Both cases involve the denial of due process and a fair trial centered around the inability to impeach a key witness due to suppression of psychiatric treatment of a key witness. This conflict is of such importance that this Court should use its power to clarify the discrepancy that exists between the District Courts.



CONCLUSION

The Third Circuit Court of Appeals judgment should be reversed and a new trial granted.

Respectfully submitted,

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