

IN THE SUPREME COURT OF THE UNITED STATES

NO. 25-7001

ON PETITION FOR WRIT OF CERTIORARI TO THE LOUISIANA SUPREME COURT

ERNEST MILLS, JR.

Petitioner

V.

STATE OF LOUISIANA

Respondent

PETITIONER'S REPLY

INTRODUCTION

The State's opposition attempts to reframe this case as routine, fact-bound post-conviction dispute barred by state procedure and controlled entirely by *United States v. Ruiz*, 536 U.S. 622 (2002). That characterization misstates both the record and the question presented.

At its core, this case presents a recurring federal question left unresolved by this Court: whether due process permits suppression of materially significant evidence bearing on the reliability of the prosecution's case- here, evidence of witness non-cooperation and prosecutorial doubt prior to a guilty plea, and whether such suppression can be dismissed as "mere impeachment" without meaningful Brady analysis.

The state's arguments fail for several reasons.

ARGUMENT

I. THE STATE'S PROCEDURAL BAR ARGUMENT DOES NOT PRESENT AN ADEQUATE AND INDEPENDENT GROUND

The Louisiana Supreme Court did not rest its judgement on a clearly independent procedural ground insulated from federal review. While the state emphasizes timeliness and successiveness rules (La. C. Cr. P arts 930.4 and 930.8), the court expressly adopted the reasoning of Judge Lebrano, which included merits-based Brady determinations. See Opp.007

Where a state court interweaves merits analysis with procedural discussion, this Court retains jurisdiction. *Michigan v. Long*, 463 U.S. 1032, 1040-41 (1983). A state judgement is not insulated where it is "interwoven with federal law" or lacks a clear statement of independence.

Here, the State's asserted procedural bar is not dispositive under *Coleman v. Thompson*, 501 U.S. 722 (1991), because the decision cannot be fairly read as resting exclusively on state law. Opp. 009.

II. THE STATE IMPROPERLY COLLAPSES BRADY MATERIALITY INTO "DIRECT EXCULPATION"

The State repeatedly argues the letters are not “exculpatory” because they do not contain a confession, recantation, or alternative suspect. That is not the Brady standard. Opp.007.

This court has long held that materiality turns on whether evidence undermines confidence in the outcome, not whether it conclusively proves innocence. *Kyles v. Whitley*, 514 U.S. 419, 434 (1995); *Weary v. Cain*, 577 U.S. 385 (2016)

By demanding direct exoneration, the State applies an improperly narrowed standard inconsistent with *Brady v. Maryland*, 373 U.S. 83 (1963), and its progeny.

III. THE STATE’S “IMPEACHMENT ONLY” LABEL IS LEGALLY CONTESTED, NOT RESOLVED

The opposition repeatedly asserts the letters are (at most mere impeachment evidence,” but that conclusion is precisely the disputed legal characterization. Opp.008.

Evidence that a central witness is uncertain, uncooperative, or potentially unwilling to testify is not categorically impeachment- it may directly affect case viability and prosecutorial confidence, see *Smith v. Cain*, 565 U.S. 73, 75-76 (2012) (suppressed statements undermining key witness reliability were material where witness was sole basis of conviction)

The State’s framing assumes the answer to the question presented and bypasses the required Brady materiality analysis.

IV. THE STATE MISAPPLIES UNITED STATES V. RUIZ BEYOND ITS LIMITED HOLDING

The States relies heavily on *United States v. Ruiz*, 536 U.S. 622 (2002), but that decision is materially narrower than the state suggests. Opp. 010- 011

Ruiz held only that the constitution does not require disclosure of “impeachment information relating to informants or other witnesses” before a plea agreement. *Id* at 633.

It did not resolve suppression of evidence that directly bears on: prosecutorial confidence in witness availability, the functional strength of the State’s case, or the voluntariness of a plea decision based on materially incomplete information.

Expanding Ruiz to cover all pre-plea nondisclosure would eliminate meaningful Brady protection in plea bargaining, contrary to this Court's repeated emphasis that guilty pleas must be voluntary and intelligent under *Brady v. United States*, 397 U.S. 742 (1970)

V. THE STATES PREJUDICE THEORY MISAPPLIES THE PLEA CONTEXT STANDARD

The States argues Petitioner cannot show prejudice because of strong physical evidence (chlamydia testing) and sentencing exposure. That analysis misstates the legal inquiry. Opp. 013.

The correct standard is whether there is a reasonable probability that, had the evidence been disclosed, the defendant would have made a different decision regarding the plea. See. *Hill v. Lockhart* 474 U.S. 52, 59 (1985)

The State's after-the-fact reconstruction of trial strength is not the relevant inquiry. The question is whether nondisclosure distorted the defendant's contemporaneous decision-making calculus.

VI. THIS CASE PRESENTS A CLEAN AND RECURRING LEGAL QUESTION, NOT FACT-BOUND ERROR CORRECTION

The State characterizes the petition as fact-bound error correction, it is not. Opp. 010.

This case squarely presents a recurring legal question dividing lower courts: whether suppression of materially significant pre-plea evidence bearing on witness reliability and prosecutorial confidence falls within Brady obligations.

This Court routinely grants review where lower courts diverge on the scope of constitutional protections in the plea context. The issue here affects the overwhelming majority of criminal convictions resolved by plea, making clarity essential.

CONCLUSION

The State's opposition depends on flawed premises;(1) an overstated procedural bar, (2) an improperly narrowed Brady standard requiring direct exoneration, and (3) an overbroad reading of Ruiz that would eliminate meaningful pre-plea disclosure obligations.

Properly framed, this case presents an important and unresolved constitutional question concerning the scope of due process in guilty pleas and the suppression of material evidence affecting the reliability of the prosecution's case.

The petition should be granted.

Ernest A. Miller