



MICHIGAN STATE POLICE LEGAL UPDATE

No. 76
APRIL 10, 2009

This update is published by the Michigan State Police Executive Division. Questions and comments may be directed to MSPLegal@michigan.gov. Past editions can be found at www.michigan.gov/msp-legal.

CRIMINAL LAW

Catalytic Converters added to larceny from a motor vehicle statute

Effective: April 1, 2009

Public Act 476 of 2008 amended the larceny from a motor vehicle statute ([MCL 750.356a](#)) by adding catalytic converters to the list of items that may be the basis for charging under that statute.

[Public Act 476 of 2008](#)

CRIMINAL PROCEDURE

Duty of police to disclose exculpatory evidence to Prosecutor

In *Harris v. Lafler*, Ward drove a vehicle while his passenger, Harris, used an AK-47 to shoot at another vehicle. Two people in the other vehicle were killed and several others were wounded. Ward, his girlfriend, Harris, and others were later arrested by police. Police promised to release Ward's girlfriend if he made a statement. Ward's initial account of the incident was inaccurate, so police did not release his girlfriend. He then gave a second account, and she was released.

Prior to Harris's preliminary examination, officers promised to release Ward if he testified consistently with his second statement. The officers also told Ward to deny that he was promised anything for his testimony (which he did). Harris was convicted of murder and other offenses based primarily on statements made by Ward.

Although the prosecutor did not know about the conversations between Ward and the officers, the United States 6th Circuit Court of Appeals overturned Harris's conviction because the prosecutor failed to disclose

those conversations as required by *Brady v. Maryland*.

In *Brady*, the United States Supreme Court established the rule that prosecutors must disclose all evidence to the defense, including evidence favorable to the defense. The *Brady* rule applies to all relevant evidence held by police, even if prosecutors are unaware the evidence exists. In this case, the conversations were relevant because they could have been used to test Ward's credibility.

While this case does not present a new rule, it does serve as a reminder of police officers' duties under *Brady* – officers must disclose everything to their prosecutor regardless of how unfavorable certain information may appear.

SUBSCRIPTIONS

In order to receive the Update via e-mail, click [here](#) or go to www.michigan.gov/msp-legal and click on "subscribe to legal updates".