

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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UNITED STATES OF AMERICA,

ORDER

v.

04-CR-055-C

DAVID A. CARLISLE,

Defendant.

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On May 13, 2004, the government submitted to the court for in camera review a copy of the personnel file of Ann McCredie, defendant David Carlisle's former supervisor and a potential trial witness. *See* dkt. 38, under seal. I have reviewed the entire file to ascertain whether any of it must be disclosed to Carlisle under the principles of *Brady v. Maryland*, 373 U.S. 83, 87 (1963) and its progeny. In *Brady*, the Court held that the suppression by the prosecution of evidence favorable to an accused upon request violates due process where the evidence is material either to guilt or punishment; as clarified in *Giglio v. United States*, 405 U.S. 150, 153 (1972), this includes evidence useful to the defense in impeaching government witnesses even if the evidence itself is not inherently exculpatory. *See Simental v. Matrisciano*, 363 F.3d 607, 613 (7<sup>th</sup> Cir. 2004).

Not one document in McCredie's thick personnel file arguably qualifies as *Brady* or *Giglio* material. Most of the file is ministerial clutter; what remains does not impeach McCredie in any fashion, and it is irrelevant to Carlisle's guilt or innocence in this case.

Therefore, the government has no obligation to turn over any documents from McCredie's personnel file.

Entered this 14<sup>th</sup> day of May, 2004.

BY THE COURT:

STEPHEN L. CROCKER  
Magistrate Judge