

Case Summaries: Fourth Circuit Court of Appeals (Dec. 15, 2023)

Petitioner was entitled to discovery and an evidentiary hearing on officer misconduct when substantial evidence of corruption came to light after his conviction

[U.S. v. Paylor](#), 88 F.4th 553 (Dec. 15, 2023). The defendant was charged with possession of firearm by felon in the District of Maryland. The defendant claimed that the officers planted the gun and stole money from his home during the arrest. He requested discovery relating to other misconduct allegations against one detective involved in his case. The government produced more than 30 internal affairs files relating to the detective, but the trial court only released four and a half of the files to defense counsel. The defense attorney did not think that information was sufficient to undercut the detective's testimony and ultimately recommended that the defendant enter a guilty plea to the firearm offense. The defendant could have received 120 months for that crime. He was facing an additional 15 years for the revocation of a state suspended sentence. The parties eventually settled on a plea bargain where the state case would be resolved with a time served disposition and the defendant would receive a 60-month sentence for the federal crime. During the plea colloquy, the defendant acknowledged his guilt.

Approximately two years later, the detective involved in the defendant's case was indicted for racketeering, robbery, extortion, and a number of other crimes in federal court as a part of the federal investigation into members of the now-infamous Baltimore Gun Trace Task Force. The defendant was interviewed by the government as a part of its investigation, and he ultimately testified before the grand jury about the detective planting the gun on him. This led to a new indictment against the detective. The detective was later found guilty of various offenses and sentenced to 18 years in prison. The defendant sought habeas relief, arguing his plea was not voluntary and that it should be withdrawn. The government offered a sentence reduction in recognition of the defendant's help in its prosecution of the detective but opposed his motion to withdraw the plea. The district court found that there was evidence only of one incident of misbehavior by the detective prior to the defendant's alleged date of offense. It denied the petition without allowing discovery or an evidentiary hearing. The defendant appealed.

Under *U.S. v. Fisher*, 711 F.3d 460 (4th Cir. 2013), a guilty plea may be considered involuntary, despite the defendant having full knowledge of the consequences of his plea, when he can demonstrate "egregious" misconduct by the government having a material impact on the decision to plead guilty. While a defendant's mistake about the strength of the government's case or other strategic missteps are not enough on their own, when government misconduct "strikes at the integrity of the prosecution as a whole," the plea may be deemed involuntary and therefore invalid. *Id.* at 466. The defendant need only show that, but for the misconduct, there was a reasonable probability that he would have rejected the plea bargain.

Here, the government sought to have it both ways—that the defendant possessed the firearm underlying his conviction, and that the defendant truthfully testified to the grand jury that the detective had planted the weapon on him. According to the court: "The Government's two-faced positions and contrary statements before the court are clearly at odds with the notion of justice." *Paylor*, Slip op. at 18.

There was record evidence showing that the detective had indeed been involved in a similar robbery before the date of the offense leading to the defendant's conviction. While that case standing alone could not support the withdrawal of the guilty plea, the government acknowledged that the detective's misconduct affected almost 1,700 convictions. "This is strong evidence that [the detective's] crime spree pre-dated his alleged misconduct against [the defendant]." *Id.* at 23. Given that the defendant was initially only provided a very limited number of complaints against the detective, he was entitled to discovery and an evidentiary hearing on that point, given the magnitude of corruption by the detective that had since come to light.

The district court's denial of the petition was therefore unanimously vacated, and the matter remanded for those additional proceedings.