

THOMAS, J., concurring in judgment

SUPREME COURT OF THE UNITED STATES

No. 01–595

UNITED STATES, PETITIONER *v.* ANGELA RUIZ

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF
APPEALS FOR THE NINTH CIRCUIT

[June 24, 2002]

JUSTICE THOMAS, concurring in the judgment.

I agree with the Court that the Constitution does not require the Government to disclose either affirmative defense information or impeachment information relating to informants or other witnesses before entering into a binding plea agreement with a criminal defendant. The Court, however, suggests that the constitutional analysis turns in some part on the “degree of help” such information would provide to the defendant at the plea stage, see *ante*, at 6–7, 8, a distinction that is neither necessary nor accurate. To the extent that the Court is implicitly drawing a line based on a flawed characterization about the usefulness of certain types of information, I can only concur in the judgment. The principle supporting *Brady* was “avoidance of an unfair trial to the accused.” *Brady v. Maryland*, 373 U. S. 83, 87 (1963). That concern is not implicated at the plea stage regardless.