

NOTICE

This is a summary disposition issued under Alaska Appellate Rule 214(a). Summary dispositions of this Court do not create legal precedent. See Alaska Appellate Rule 214(d).

IN THE COURT OF APPEALS OF THE STATE OF ALASKA

CHRISTOPHER R. STACY,

Appellant,

v.

STATE OF ALASKA,

Appellee.

Court of Appeals No. A-12668
Trial Court No. 1KE-13-00753 CR

SUMMARY DISPOSITION

No. 0304 — January 25, 2023

Appeal from the Superior Court, First Judicial District,
Ketchikan, William B. Carey, Judge.

Appearances: Emily L. Jura, Assistant Public Defender, and
Samantha Cherot, Public Defender, Anchorage, for the
Appellant. Eric A. Ringsmuth, Assistant Attorney General,
Office of Criminal Appeals, Anchorage, and Treg R. Taylor,
Attorney General, Juneau, for the Appellee.

Before: Allard, Chief Judge, Harbison, Judge, and Clark,
District Court Judge.*

In *Stacy v. State*, this Court held that prosecutors have an affirmative duty to learn of *Brady* or *Giglio* material contained in otherwise confidential law enforcement personnel records.¹ We remanded Stacy’s case to the superior court to

* Sitting by assignment made pursuant to Article IV, Section 16 of the Alaska Constitution and Administrative Rule 24(d).

¹ *Stacy v. State*, 500 P.3d 1023, 1026-27 (Alaska App. 2021); *see also Brady v. Maryland*, 373 U.S. 83 (1963); *Giglio v. United States*, 405 U.S. 150 (1972).

ensure that the relevant personnel files were “reviewed for any impeachment evidence that is significant enough that it could be material in Stacy’s case.”²

In response to *Stacy*, the Alaska Department of Law developed statewide policies and procedures to ensure compliance with the duty recognized in *Stacy*. (The procedures were modeled after systems that had previously been in place but were not statewide.)

These procedures were then followed in Stacy’s case. In addition, the assistant district attorney assigned to Stacy’s case contacted the relevant law enforcement agencies directly, who confirmed that they had no *Brady/Giglio* information to report about any of the officers testifying in the case. The assistant district attorney also separately confirmed with the Alaska Scientific Crime Detection Laboratory that there was no *Brady/Giglio* information in the testifying laboratory technician’s file.

In the proceedings before the superior court, Stacy objected to various parts of the Department of Law’s new procedures, arguing that they were inadequate to ensure compliance with the State’s *Brady/Giglio* obligations under *Stacy*.

The superior court issued a nine-page written order rejecting these criticisms and finding that the new statewide procedures were sufficient to comply with the requirements under *Stacy*. Stacy now challenges that ruling.

On appeal, Stacy renews his prior objections to the State’s policies. But the long-term efficacy of the Department of Law’s policies is not before us in this appeal. Rather, as the State points out, our role is limited to reviewing the actions that the government took in Stacy’s case and whether those actions were sufficient to satisfy due process in the context of his case. The record makes clear that the prosecutor in Stacy’s case specifically reached out to the different agencies to ensure that there was no *Brady/Giglio* material in any of the relevant personnel files. We agree with the superior court that Stacy has failed to show that these actions were insufficient. Nor has

² *Stacy*, 500 P.3d at 1040.

he shown that he was personally prejudiced by any of the alleged deficiencies in the Department of Law's newly adopted policies.

Accordingly, the judgment of the superior court is **AFFIRMED**.