

## What's New in the 2025-2026 Edition

Recent developments in this 2025-2026 Edition of Prosecutorial Misconduct 2d include:

- Clarification of admissibility standards in grand jury proceedings under rules permitting trial-admissible evidence;
- Framework for assessing combined Napue and Brady violations;
- Abusive discovery tactics can render a guilty plea involuntary even absent a Brady violation when prosecutorial deceit or lack of candor materially affects a defendant's understanding;
- Prosecutorial misconduct in discovery disclosures can undermine the knowing and voluntary nature of a guilty plea;
- Limits on expert-type testimony include eliciting ballistic “match” or “correlation” testimony from non-qualified officers;
- Eliciting inflammatory, unsupported testimony (e.g., THC edibles' effects on children) can violate the right to a fair trial;
- Comments implying the government's evidence is “uncontradicted” can be improper when only the defendant could rebut it, constituting comment on silence;
- Severe, pervasive prosecutorial misconduct can bar retrial under state double jeopardy protections when the prosecutor intended to provoke mistrial or acted with willful disregard of that risk;
- Updates to court rulings, statutes, regulations and other relevant guidance throughout.