

## David Smyth Comments on U.S. Supreme Court Justice's Dissent

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Brooks Pierce partner David Smyth was recently interviewed by the *Pennsylvania Record* about a U.S. Supreme Court case concerning a Pennsylvania man's conviction for murder. U.S. Supreme Court Justice Clarence Thomas dissented from the majority opinion, which claimed that there had been a violation of the due process clause of the Fourteenth Amendment. Smyth, who represents corporations and individuals facing federal and state government investigations and complex litigation, says that Justice Thomas's dissent is the result of Thomas viewing the issue as two different cases.

"The issue was not whether he was guilty but whether the evidence that was not disclosed would have prevented him from presenting his case," Smyth said. "So Thomas is saying, essentially, there are different cases. You can't be a judge in a case you prosecuted but if this is a different case, then there's no bias."