

# FORMER PROSECUTORS FOR DISCOVERY REFORM

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**We, the undersigned, are former prosecutors who practice across the State and in the federal courts. We write to express our support for reform of New York State's discovery laws.**

We became prosecutors to help society hold people accountable for crimes that were committed. We took seriously our personal responsibility in that position to assure due process and fairness as core principles embedded in the United States Constitution. While we operated within a legal structure that did not require us to immediately provide important information, like police reports and technical evidence, to the accused or their attorneys, we know that this is unfair. A fundamentally fair criminal process must be balanced. It also must allow for an accused to understand the charges and evidence against him or her. It must provide for the defense to have an opportunity to review the evidence, and even find flaws that can be exposed in order to avoid wrongful prosecutions. In order for a proper review of evidence to occur, this information must be provided in a timely manner.

The practice of producing discovery materials months or years after the arrest -- and usually not at all in the vast majority of cases that are resolved through plea bargaining -- has had a deleterious effect on the entire criminal justice process. It is likely the single most significant contributing factor for wrongful convictions. It also has contributed to unnecessary delays in hundreds of thousands of cases, which brings additional consequences, such as preventing victims and their families from achieving much-needed closure.

We are certain that the criminal legal system would be more just and efficient with updated open discovery laws. In cases where discovery is provided in other states or in counties within New York that voluntarily provide the information, cases are much easier to resolve and those solutions tend to be more just, allowing for issues like drug addiction, mental illness and other mitigating factors of the accused to impact outcomes.

We understand and agree with the current District Attorneys' position that there must to be a clear way to ensure witness safety. However, we must adamantly maintain that this issue can be resolved while preserving the many other provisions of reform that provide true justice to the accused, including providing electronic information, cell phone data, background notes of experts and the full panoply of police reports in most cases. Indeed, many of us have handled civil cases that allow for liberal discovery and know how safety concerns in those cases, which include many of the same types of cases that occur in the criminal courts such as domestic violence, sexual harassment and assault and even murder, can be resolved.

As the discovery rules in most other states demonstrate, open and early discovery in criminal cases can be part of a safe and effective criminal justice system. We encourage our legislators and the Governor to find solutions that make discovery workable and not miss this opportunity to make New York's criminal legal system fair and equitable.

# FORMER PROSECUTORS FOR DISCOVERY REFORM

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- Marijo Adimey** – ADA Bronx County, 1998–2003
- Christina Arno** – Bronx County (TB60), 2013–2017
- Amy Bard** – ADA New York County, 1984–1986
- Eric Bernstein** – US Attorney EDNY, 1991–1999
- Richard Berube** – ADA Dutchess County, 2001–2004
- Dan Bibb** – ADA New York County, 1982–2006
- Christopher Binns** – Bronx County, 2014–2016
- Ronald Blum** – ADA New York County, 1982–1985
- Heidi Bota** – Bronx County, 1992–1996
- Benjamin K. Bregman** – ADA Broome County, 2002–2011
- Leslie Ann Brody** – Manhattan (Special Narcotics), 1986–1990
- John Buza** – ADA New York County, 2008–2014
- Cesar de Castro** – ADA New York County, 2002–2008
- Marshall Camp** – AUSA SDNY, 2005–2009
- Peter Chambers** – Kings County, 2013–2017
- David Cetron** – Kings County, 1994–2003
- Samuel Coe** – New York County, 2012–2016
- Mark Cohen** – ADA Bronx County, 1985–1987
- Mikael Cohn** – Ulster County ADA, 2011–2013
- Stephen Coffey** – Chief ADA Albany, 1971–1975
- Robert N. Convissar** – Executive ADA Erie County, 1982–1988
- Thomas Curran** – ADA New York County, 1995–2001
- Gerard M. Damian** – ADA Rockland County, 1967–1972
- Marron C Doherty** – Bronx County (Gun Unit), 2014–2017
- Peter M. Dreyer** – Bronx County, 1997–2001
- Edgar L. Fankbonner** – New York County, 2006–2011
- Gary Farrell** – Kings County (Homicide Bureau, Deputy Chief Investigations), 1987–1994
- Michael C. Farkas** – Kings County (Homicide Bureau), 1994–2003
- George Farkas** – Brooklyn (Homicide), 1972–1977
- Jonathan Fink** – Kings County, 1992–1997
- Kevin D. Fitzgerald** – Monroe County, 2007–2018
- Michael Fleishman** – ADA Kings County
- Peter Frankel** – ADA Bronx County, 1988–1992
- Arthur Friedman** – Special Assistant Attorney General, 1969–73;74–75 (Kings); 1973 (Queens); 1975–1979 (NYS Medicaid Fraud Unit); 1984 (Special Prosecutor for Official Corruption)
- Michael A. Garzo, Jr.** – ADA Broome County, 2004–2010
- Rob Gershon** – ADA Kings County, 1992–1996
- Christopher Graziano** – ADA Nassau County, 2000–2004
- Jeffrey Greco** – ADA Houston, Harris County, Texas, 2006–2008
- Betsy Grobovsky** – Kings County, 2013–2017
- Peter Guadagnino** – Deputy Bureau Chief, Brooklyn, 1993–2000
- Bilal Haider** – Bronx County, 2013–2016
- Kevin Harp** – Senior ADA Ulster County, 2004–2012
- Richard Harrow** – NYS Assistant Attorney General, 1984–2011
- Joanna Hendon** – AUSA SDNY, 1995–2001
- Donna Henken** – New York County, 1984–1999
- Daniel Hochheiser** – ADA Bronx County, 1996–1999
- Daniel J. Horowitz** – ADA New York County, 1991–2000
- John Ingrassia** – ADA Orange County, 1989–1993
- Scott Iseman** – Special AUSA EDNC, 2010–2014
- Thomas D. Jackson, Jr.** – ADA Broome County, 2002–2011
- Natasha Rossell Jaffe** – ADA Kings County, 2007–2009
- Sam Karliner** – Senior Zone Homicide Trial Attorney, Kings County, 1989–1994
- Isabelle Kirshner** – ADA New York County, 1982–1986
- Martin Klotz** – AUSA SDNY, 1988–1991

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**John L. Kotchick, III** – ADA Broome County, 1988-2004

**Evan Krutoy** – Manhattan ADA, 1994-2014

**Robert Krakow** – ADA New York County, 1981-1989

**Georges Lederman** – ADA New York County, 1987-1997

**Alan Lewis** – ADA Kings County, 1989-1998

**Joseph Licitra** – Kings County, 2000

**Edward J. Little** – AUSA SDNY, 1982-1990

**Mary Shannon Little** – AUSA SDNY, 1985-1988

**Travis Long** – Bronx County, 2013-2017

**Edward Mandery** – Kings County, 1993-1998

**Gregory A. Marshall** – ADA Kings County (Rackets Division),  
2005-2010

**Michael McDermott** – ADA Albany, 2002-2006

**Thomas Melanson** – Assistant Attorney General (Organized  
Crime Task Force), 2006-2007; Ulster County ADA, 2008

**Susan Mitchell** – Senior Trial Attorney Kings County (Sex  
Crimes, Felony Trials), 1993-1998

**Kenneth Montgomery** – Kings County (Gang Bureau, Red  
Zone, Juvenile Crimes), 1997-2002

**Avraham C. Moskowitz** – AUSA SDNY, 1991-1998

**Kenneth C. Murphy** – ADA Bronx County, 1996-2001

**Craig Newman** – Brooklyn, 1994-1999

**Kevin O'Brien** – Ulster County ADA, 2007-2009

**Daniel Ollen** – ADA New York County, 1985-1991

**Daniel Parker** – ADA New York County, 1985-1991

**Ita Parnass** – Kings County, 1986-1993

**Julie Rendelman** – ADA Kings County, 1992-2014

**Roland Riopelle** – ADA New York County, 1991-1998

**David Roche** – Kings County (Felony Trial Bureau), 1996-2002

**David R. Ross** – ADA Dutchess County, 1992-1994

**Michael Rosas** – Richmond County, 2010-2013

**Penny Rosenberg** – ADA New York County, 1986-2000

**Thomas C. Rotko** – ADA New York County, 1994-2000

**Stuart Rubin** – Kings County (Appeals), 1982-1985

**Robert Schalkk** – ADA Nassau County, 2005-2010

**Steven G. Schwarz** – Bronx County, 1982-1986

**Nathan Semmel** – New York County, 1998-2004

**Alexandra Shapiro** – AUSA SDNY, 1994-1999

**David N Schreiber** – Bronx County, 2013-2017

**Michael Sheinberg** – Kings County, 1990-1994

**Desiree Sheridan** – Bronx County, 1992-1998

**Kenneth F. Smith** – ADA Kings County, 2007-2012

**Roger Stavis** – ADA Bronx County, 1982-1986

**Mark S. Sullivan** – Manhattan, 1984-1989

**Sanford Talkin** – Kings County, 1992-1996

**Scott B. Tulman** – ADA Queens County, 1985-1988

**Christopher M. Tunney** – ADA Steuben County, 2009-2012

**Gary Villanueva** – Brooklyn, 1982-1988

**Ivan Vogel** – Queens (Appeals Bureau), Brooklyn (Blue and  
Orange Zones), 1985-90. 1993-1997

**John Wallenstein** – ADA Queens County, 1978-1982

**Avi Weitzman** – AUSA SDNY, 2005-2012

**Thomas Whalen** – Dutchess County ADA, 1979-1983

**Jessica Wilson** – Kings County (Conviction Review Unit),  
2007-2017

**Nikki Woods** – Bronx County (Gun Unit), 2005-2011