

FORMER PROSECUTORS FOR DISCOVERY REFORM

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

- Allen Acosta** – Kings County, 2014–2016
- 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
- Delton Caraway** – Broome County, 2011–2012
- Cesar de Castro** – ADA New York County, 2002–2008
- Robert Caliendo** – Bronx County, 2004–2013
- 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
- Gerald Cohen** – Bronx County (Arson and Economic Crimes Bureau), 2004–2007
- 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
- Laura A Fiorenza** – Onondaga County, 1994–2017
- 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
- Robert Georges** – Bronx County, 2004–2008
- Rob Gershon** – ADA Kings County, 1992–1996
- Jonathan Ginsberg** – New York County, 1990–1995
- 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
- Steven L. Kessler** – Bronx County (Appeal and Investigations Bureaus, head of Asset Forfeiture Unit), 1982–1987

FORMER PROSECUTORS FOR DISCOVERY REFORM

Josh Kirshner – Bronx County (Rackets Division),
2004-2008

Isabelle Kirshner – ADA New York County, 1982-1986

Martin Klotz – AUSA SDNY, 1988-1991

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

Nick Lewis – Bronx County (Investigations Division—Arson/
Auto/Economic Crime), 2008-2013

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

Joseph DeMatteo – Chief of Asian Organized Crime Unit,
New York County (Homicide Bureau, Rackets Bureau),
1986-1997

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, 1985-1991

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

Alan Ross – Kings County 1983-1994

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 Schalk – 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

Vivian Shevitz – US Attorney EDNY (Chief, Appeals), 1978-
1982

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

Jesse A. Young, Esq. – Kings County (Major Offense Bureau),
1987-1990