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COUNTY OF GENESEE**

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MEMORANDUM OF SUPPORT

The 2019 Discovery for Justice Reform Act
S.1716 (Bailey) / A.1431 (Lentol)

The office of the Genesee County Public Defender urges the Legislature to pass and the Governor to sign comprehensive criminal discovery reform this session. We strongly support the Discovery for Justice Reform Act S.1716 (Bailey) /A.1431 (Lentol), which will repeal the current "Blindfold Law" and bring early, open and automatic discovery to our criminal legal system.

In New York, unlike most of the rest of the country, prosecutors and police are not required to provide copies of police reports and other crucial documents or information or evidence related to their case to people facing criminal allegations or their attorneys until trial begins – months or years after an arrest. Because the vast majority of cases end in either dismissals or plea deals, rather than trials, nearly everybody who is accused of a crime in New York may never see all of the evidence. In short, they are "blindfolded." This includes police reports, witness statements, exculpatory information and more. This is why many call New York's law related to discovery, the "Blindfold Law."

The current discovery statute fuels mass incarceration, case delays and wrongful convictions. It prevents people facing criminal accusations from making informed decisions about plea offers, forcing many to choose between pleading guilty or suffering the well-

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documented brutality of jail while fighting the charges against them without access to crucial evidence.

Nearly every other state in the country has employed systems of broad access to both parties' evidence at an early stage of criminal cases for many years. Prosecutors and defense attorneys in these states consistently say

broad discovery works. No state that has reformed its discovery statutes has since gone back and reversed its actions.

New York's antiquated criminal discovery laws stand in stark contrast to its laws in civil cases, where only money is at stake, not someone's liberty. In New York's civil cases, both parties are required to turn over all of the information through depositions (live testimony), interrogatories, (questions and answers) and production of documents. Yet, people facing jail or prison, a criminal record, and a lifetime of related consequences, like loss of employment, housing, educational opportunity and deportation are not currently afforded even the most basic information prior to making a decision about whether to plead guilty or proceed to trial.

Once again, the office of the Genesee County Public Defender urges the legislature to pass and the Governor to sign comprehensive discovery reform this year.

If you have any questions about why my office so strongly supports this long overdue reform, please do not hesitate to contact me.

Sincerely,



Jerry Ader

Dated: February 8, 2019