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****PRESS STATEMENT****

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FOR IMMEDIATE RELEASE

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ALBANY, NY - In response to the rumored gutting of New York's discovery laws, the Chief Defender Association of New York (CDANY) issued the following statement:

We are appalled but not particularly surprised to learn that certain district attorneys have waged a covert and duplicitous whisper campaign to effectively gut the historic, wildly successful discovery reforms passed in 2019.

These reforms were badly needed. Under the previous "blindfold discovery" regime, New Yorkers accused of crimes were forced to defend their cases in the dark and all too often, forced into coercive plea bargains with barely any knowledge of the evidence in the case. Unsurprisingly, under this regime, New York's wrongful conviction rates soared to the third highest in the entire country. At long last, the 2019 discovery reforms took New York's discovery practice into the 21st century and in step with 47 other states in our country.

To be clear, prosecutors have never been fans of these reforms. Our new system of transparency and fairness curtailed District Attorneys' control of the criminal proceedings and ability to leverage pleas. Now, all discovery, including exculpatory evidence, is required to be turned over well in advance of trial. This means that individuals accused of crimes can fairly defend themselves, and are finally able to make life-changing decisions about whether to take a plea or go to trial equipped with all of the pertinent information. As defenders practicing across the state can attest, the impact has been transformative.

Indeed, implementing these reforms has required hard work from all stakeholders. Prosecutors complain that the burdens imposed by the 2019 reforms have overwhelmed their resources and capacity. We don't disagree that it has been a challenge, as fairness always is. The change in law has required new technology, the creation of new workflow systems, and additional staff. That is why we have always supported the prosecutors' campaign for more funding, resources and technology, just as they have supported ours.

In the end, we all want the same thing: quicker and more streamlined delivery of the required information. It can be done. But efficiency cannot come at the price of justice and fairness for our clients. We cannot let New York return to the pre-reform “blindfold” era, which is what the DAs’ proposed legislation would effectively do. That is why we call on the legislature and governor to reject this outrageous proposal in full.

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