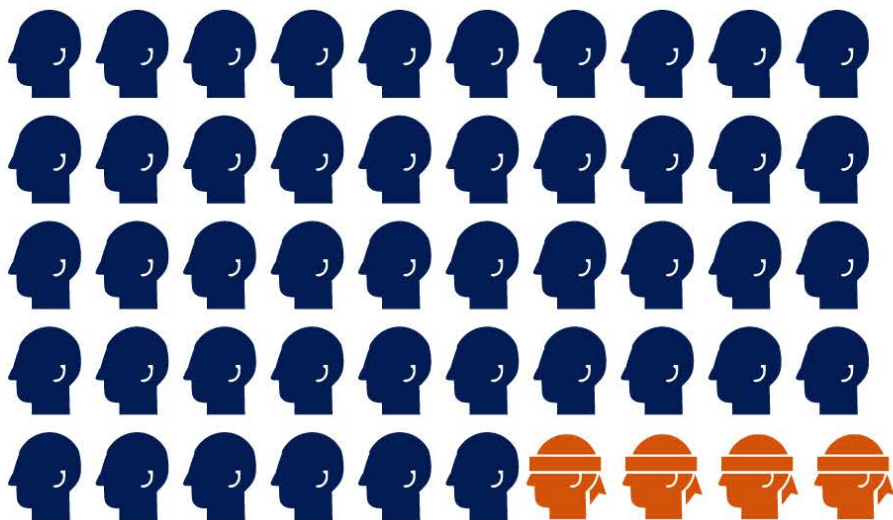


REPEAL THE BLINDFOLD LAW

Enact the New York State Bar Association's Discovery Bill!



New York Is One of A Handful of States that Provides Defendants the Least Discovery!



New York Is Among the

FOUR STATES

With the Most Restrictive Discovery Rules –

Along With Louisiana, South Carolina, and Wyoming!

New York's Current "Blindfold Law" Does Not Require Prosecutors to Turn Over Police Reports or Other Witness Statements Until the Day A Trial Begins



Under New York's "Blindfold Law," You Are Not Even Entitled To Know WHO Is Accusing You



Currently It Is the Manhattan D.A.'s Standard Practice In Felony Cases NOT To Disclose Even That Most Basic Information, But To Tell Defendants Only That "A Person Known to Grand Jury" Has Accused Them

Nearly Every Other State Has Expanded Discovery



Even Texas and North Carolina Recently Adopted "Open Discovery" Statutes Requiring Prosecutors to Disclose ALL Police Reports and ALL Witness Statements Early In the Case



Without Discovery, It Is Often Impossible to Perform A Meaningful and Timely Investigation of the Case to Prepare for Trial or to Secure Favorable Evidence for the Defendant



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Broader and Earlier Discovery Is Badly Needed for:

- ✓ Meaningful Case Investigations and Trial Preparations
- ✓ Improving the Reliability of the System
- ✓ Informed Decision-Making About Pleas
- ✓ Fairness and Efficiency

Under the NYSBA Reform Bill, Discovery Would Occur In Two Stages:

PHASE 1

Items Actually Possessed By or Readily Accessible to the Prosecutor Early In the Case Disclosed Within 15 Days of Arraignment on Indictment (Extra 7 Days If Prosecutor On Vacation)

This Includes:

- ✓ Electronic Police Reports
- ✓ Defendant's Own Statements
- ✓ Property Recovered From Defendant
- ✓ Written Statements of Witnesses If the Prosecutor Actually Has Them At That Point (NOT If Only the Police Have Them)

PHASE 2

Within 90 Days. This Includes:

- ✓ Grand Jury Transcripts
- ✓ Expert Witness Information
- ✓ Trial Exhibits
- ✓ Police Reports and Witness Statements That Were Possessed Only By the Police At the Time of Phase 1

The NYSBA Discovery Bill Protects Witnesses

Some Local Prosecutors Oppose Repeal and Replacement of the "Blindfold Law," Supposedly To Protect Witnesses – **BUT:**

- ➔ The NYSBA Bill Incorporates EVERY Measure for Protecting Witnesses (As Needed) That Has Been Used in the 50 States
- ➔ Everything Under the Discovery Statute Would Always Be Subject to Withholding By "Protective Order" When Any Factor Outweighs the Usefulness of the Discovery
- ➔ Broad Discovery Is Currently Used In New Jersey, Massachusetts, and 35 Other States – And Has Been Used In Brooklyn for 30 Years and In A Few Other New York Counties
- ➔ Prosecutors In Other States Consistently Say Broad Discovery Works – They Are Satisfied With It, They Have the Tools to Protect Witnesses, It Is More Fair and Efficient
- ➔ The Nature of the DAs' Objections to the NYSBA Bill Precludes Any Meaningful Change EVER! It Also Lacks Any Recognition of the Current Unfairness of the "Blindfold Law"!