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Please attribute this statement to The Legal Aid Society of Nassau County, the Legal Aid Society of New York, Brooklyn Defender Services, the Bronx Defenders, the New York State Association of Criminal Defense Lawyers, Innocence Project, & Citizen Action of New York:

“The tragic death of Mr. Maldonado is, unequivocally, not the result of the new discovery laws. It is extremely disturbing that law enforcement officials are exploiting this murder to try to discredit the discovery laws, which after decades of wrongful convictions have finally been amended to match those of the rest of the country. Under the pre-existing and current discovery laws, judges have a great deal of discretion and authority to order a variety of protective measures, including not disclosing witness information, not providing contact information for witnesses or any other remedy deemed appropriate. These statements by law enforcement are again another attempt to use lies and misrepresentations to create the illusion that the new laws are a danger to public safety.”

Background: All materials are subject to withholding by protective order if any factor outweighs the usefulness of the discovery. This is completely at the judge’s discretion, and district attorneys can specifically request protective orders in cases involving gang violence. This approach has been used nationwide for decades. Nothing in the new discovery law required the judge to lift or change the protective order that had been in place in this case. The law only added more grounds for a protective order in CPL 245.70, effective Jan. 1, 2020. New York’s discovery laws are the same as laws around the country and contain a [multitude of protections](#) for victims and witnesses.