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*****FOR IMMEDIATE RELEASE*****

Statement on Governor Hochul Pushing Rollbacks to Discovery and Speedy Trial Laws

Defenders Urge Lawmakers to Prioritize Funding for Discovery Obligations Over Proposals to Erode Key Reforms

(NEW YORK, NY) – **The Legal Aid Society** issued the following statement on Governor Kathy Hochul continuing to push rollbacks to New York’s discovery and speedy trial laws:

“Governor Kathy Hochul, at the behest of New York City prosecutors, continues her ill-informed and politically-motivated push to rollback New York’s successful discovery and speedy trial reforms - depriving the defense bar any opportunity to voice concerns on the proposals - which have never been subject to any legislative oversight or inquiry. This is not a democratic process. This is not the transparent process that Governor Hochul promised.

“We recently learned that draft language was presented to lawmakers as ‘nominal tweaks’, but that is simply not the reality, as these proposals would dramatically alter evidence sharing practices, requiring defense attorneys to guess which evidence prosecutors have in their possession, all while people they represent languish in pretrial incarceration or suffer the collateral consequences of extended and never-ending court dates.

“It places a deadline on this guessing game, which if not met, precludes the defense from making further demands for evidence. This would be the end of automatic discovery, and the crucial nexus between the disclosure of evidence and speedy trial, also known as Kalief’s Law.

“Moreover, this proposal would immunize prosecutors from speedy trial consequences by requiring defense attorneys to file motions that stop the speedy trial clock in order to avoid forfeiting their right to potential missing evidence. These unnecessary motions will burden courts, delay cases further, and allow prosecutors to withhold critical evidence longer from our clients.

“Under this proposal, prosecutors would have no incentive to comply with the discovery law. Based on pre-reform practice, we know that prosecutors are more than willing to put their ‘[Poker Game Face](#)’ on and falsely claim that they have complied and are ready for trial early in the case when they know there will be zero consequences.

“This is not a ‘nominal’ tweak to the reforms, and it would amount to a wholesale change to discovery and speedy trial laws, reverting our state to an era when evidence was hidden from the defense and our clients languished at Rikers Island for years at a time.

“The only room for discussion on discovery in the budget concerns the funding that both prosecutor and defender offices desperately need to ensure these laws live up to their full intended promise.”

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