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Exonerees, Impacted New Yorkers, Public Defenders, and Advocates Launch the “Alliance to Protect Kalief’s Law” to Defend New York’s Common-Sense and Successful Discovery Statute and to Correct Misleading Data from Electeds and Law Enforcement

Albany Must Reject Efforts to Revert New York’s Discovery Laws to an Era that Fueled Mass Incarceration, Drove Wrongful Convictions, and Delayed Cases

Instead of Rollbacks, Lawmakers Must Focus on Measures that Enable Both DA and Public Defender Offices to Comply With Evidence Sharing Obligations

Sources of Instability that Drive Crime are Best Addressed by Investing in Our Communities. Rollbacks to Discovery Reform Will Not Improve Public Safety.

(ALBANY, NY) - Exonerees, impacted New Yorkers, public defenders, advocates, and concerned citizens launched the “[Alliance to Protect Kalief’s Law](#)” today, a statewide coalition dedicated to preserving New York’s common-sense and successful discovery statute, also known as “Kalief’s Law.” Today’s announcement comes in response to comments made by [elected officials](#) and [district attorneys](#) on efforts this session to roll back the current statute.

This landmark reform is named in honor of [Kalief Browder](#), a 16-year-old from the Bronx who was wrongfully accused of stealing a backpack in 2010 and languished on Rikers Island for three years awaiting trial. He had no access to the government’s evidence in his case and his family could not afford to pay the \$3,000 bail set by a Bronx judge. After his release from Rikers Island, Kalief continued to face emotional and psychological challenges and died by suicide in 2015 at the age of 22.

Since 2020, this law has played a crucial role in helping to prevent wrongful convictions, reduce unjust pretrial incarceration, ensure transparency in the criminal legal system, reveal patterns of police misconduct, and advance due process.

The law has been a tremendous success, resolving cases more quickly and combating court delays. New Yorkers charged with crimes no longer need to face allegations without any information about their case – they promptly receive body-worn camera footage and police paperwork that can tell them exactly what happened and why. People accused of a crime now know the details of their case before making informed plea decisions that have a lifelong impact on them and their families.

Discovery disclosures have also often revealed shocking police misconduct that previously went unseen in reports that were never shown to the person accused or the public.

A review of the entire New York State Division of Criminal Justice Services dataset shows that serious cases are not being dismissed at a higher rate because of discovery reform. And any claims otherwise rely on misleading, cherry-picked data points.

The reforms enacted in 2020 were not accompanied by initial funding to assist with compliance, but Albany lawmakers have since [allocated tens of millions of dollars](#) to prosecutor offices throughout the state to hire staff, purchase technology, and develop systems to ensure the timely sharing of evidence.

Instead of rolling back progress, lawmakers must ensure that funding for discovery reform is fully maintained in New York State’s Fiscal Year 2026 budget to ensure this historic law fulfills its intended promise.

New York State Under “The Blindfold Law”

Prior to 2020, New York State was a [national outlier](#), as prosecutors and police were not required to provide police reports or other crucial evidence — known as “discovery” — to individuals facing criminal charges until the day of trial. This often occurred months or even years after an arrest and was colloquially called “The Blindfold Law.” In cases where people accepted a guilty plea, they and their attorneys never saw the evidence at all, as a trial never occurred.

Without timely access to discovery, defense attorneys could not investigate the government’s case or help innocent individuals clear their names while awaiting trial. [With more than 95 percent of cases never making it to trial](#) because of plea agreements or dismissals — under the old statute, nearly everyone charged with a crime lacked access to the evidence collected by police and prosecutors.

New York was so far outside the mainstream that it was one of only four states with the most restrictive discovery rules — alongside Louisiana, South Carolina, and Wyoming. In contrast, traditionally Republican state governments, including [Texas \(2014\)](#), [North Carolina \(2004\)](#), and [Ohio \(2010\)](#), enacted open discovery statutes long before New York, recognizing that such reforms are essential for both fairness and efficiency.

Discovery and Wrongful Convictions:

Discovery is critical in reducing wrongful convictions, an issue that continues to impact New York State, [which ranks third in the nation](#) — behind Texas and Illinois — for the number of wrongful convictions.

[Since 1989, over 300 New Yorkers have been exonerated after collectively spending more than 3,000 years wrongfully incarcerated.](#) The financial cost is equally staggering; as of January 2024, New York has paid out [\\$322 million](#) to those wrongfully imprisoned — the highest payout in the nation.

When defense attorneys have access to the police reports and other relevant information, it is more likely they will find issues of concern that previously went unnoticed or were intentionally withheld. Any reduction in the requirement that timely and complete discovery is turned over on every case will result in serious injustice.

Example of How Limited and Delayed Access to Discovery Destroys Lives:

Aaron Cedres

In September 2013, Aaron Cedres was charged with gang assault after a fight outside a nightclub where he worked as a bouncer. As a result of the charges, Mr. Cedres was wrongfully detained for months. He lost his job, car, and the apartment he lived in with his girlfriend and their infant daughter.

Despite Mr. Cedres' attorney filing a motion for discovery requesting video footage of the incident, which Mr. Cedres claimed would exonerate him, shortly after he was arrested, it took the prosecution several months to hand over the evidence. When the video footage was finally turned over—a year and a half after his initial arrest, the charges against Mr. Cedres were dropped. Mr. Cedres, who was released from custody homeless and unemployed, moved back in with his mother to help regain stability in his life.

The Alliance to Protect Kalief's Law includes Akem Browder, the brother of Kalief Browder; exoneree Jeffrey Deskovic; Families & Friends of the Wrongfully Convicted; The Legal Aid Society; The Innocence Project; Citizen Action of NY; The Bronx Defenders; New Hour for Women and Children - LI; Center for Community Alternatives (CCA); Neighborhood Defender Service of Harlem; Queens Defenders; Brooklyn Defenders; New York State Association of Criminal Defense Lawyers; New York State Defenders Association; Freedom Agenda; Erie County Assigned Counsel Program; Nassau County Legal Aid Society; Ontario County Public Defender; The Legal Aid Bureau of Buffalo; St. John's University School of Law Defense and Advocacy Clinic; It Could Happen To You; and The Bail Project.

“New York's discovery laws—named after my brother Kalief, who was deprived of critical evidence while he languished in a cage at Rikers Island—have transformed justice for New Yorkers writ large,” **said Akeem Browder, brother of Kalief Browder.** “The reforms enacted in 2020 ensure that accused New Yorkers have access to all evidence, promoting transparency, preventing wrongful convictions, and combating mass incarceration. These laws are about leveling the playing field and upholding the fundamental right to due process. Rolling back these protections would inevitably lead to more New Yorkers suffering the same fate as my brother.”

“It makes no sense that, as a litigant in a lawsuit, I had access to more discovery than when I was a defendant facing false charges,” said **Jeffrey Deskovic, attorney and an exonerated New Yorker who was wrongfully convicted in 1990 at the age of 17.** “Do not repeal discovery — this reform is essential to preventing wrongful convictions.”

“I spent 21 years in prison for a crime I did not commit. The presumption of innocence without the right to discovery means nothing. Every person has a right to know what evidence is being used against them. Having a person blindfolded while trying to defend themselves is how coerced pleas and wrongful convictions happen. A rollback to pretrial reform as New Yorkers are reeling from a videotape of what can only be described as the casual murder of Robert Brooks would be a slap in the face to many. Instead of permitting changes to the pretrial law, we should be focusing on how to systematically address the horrific violence in our jails and prisons.

Pretrial reform remains one of the only existing protections to many - we cannot go back,” said **Derrick Hamilton, co-founder of Families and Friends of the Wrongfully Convicted & Deputy Director of the Perlmutter Center of Legal Justice at Cardozo Law**

“New York's discovery laws have prevented coerced pleas, wrongful convictions, prolonged detention at Rikers, and significant case delays,” said **Tina Luongo, Chief Attorney of the Criminal Defense Practice at The Legal Aid Society**. “Prosecutors have consistently opposed the changes in the law every year since their enactment, rather than embracing the law and implementing the necessary changes in their offices, as we have done to fulfill our obligations. Reverting to a practice that denies accused people access to the evidence in their cases does nothing to enhance public safety and instead perpetuates an unjust system. The answer is to continue to put processes, staffing, and technology in place that are making a difference. Albany must continue to provide funding and resources without stripping New Yorkers of their fundamental rights.”

Amanda Wallwin, State Policy Advocate at the Innocence Project said, “In 2019, the Legislature passed Kalief’s Law to prevent wrongful convictions and incarcerations of people who couldn’t demonstrate their innocence because they never saw the evidence against them. The law is working. In the five years since its enactment in 2020, there hasn’t been a single wrongful conviction leading to exoneration involving withheld exculpatory evidence, according to the National Registry of Exonerations. However, in the previous five years (2014-2019), 17 people were wrongfully convicted in cases with undisclosed evidence. Each one of these 17 people suffered consequences due to their wrongful convictions, including incarceration, payment of fines and fees, separation from their loved ones and the humiliation of a criminal conviction, all for crimes that they did not commit. We cannot go back. We cannot create more Kalief Browders. The Legislature must stand strong this year to protect Kalief’s Law and continue to prevent wrongful convictions.”

“When Kalief Browder was picked up off the street, thrown in a cage, and left there for three years without any ability to assert his innocence in court, that was not justice - it was kidnapping,” said **Rebecca Garrard, Deputy Executive Director of Citizen Action of New York**. “His ordeal revealed to New York, the country, and the world that what happened to Kalief is not unique to him — instead it is a common and deliberate practice by DAs to force pleas of guilt based on desperation not facts. Kalief’s Law protects against police misconduct and ensures due process, and there is no reason to make changes to this law just because our state has refused to implement systems that give prosecutors access to police information in real time, as currently exists in Texas and other states. Public safety is ensuring that there is transparency for all evidence related to perpetrated harms, not reverting back to a shroud of secrecy controlled by the NYPD.”

“The simple promise of discovery reform is to ensure that every New Yorker accused of a crime receives all of the evidence in their case,” said **Juval O. Scott, Executive Director of The Bronx Defenders**. “This is basic due process. In the Bronx, we’ve seen how timely access to evidence allows the people we represent to make fully informed decisions about their cases and holds law enforcement accountable. Rolling back this critical law would dishonor the legacy of Kalief Browder and devastate the progress we’ve made toward transparency and fairness. Lawmakers must reject these efforts, which history shows can result in wrongful convictions and police misconduct, and instead focus on measures that would ensure discovery reform is implemented as intended.”

Serena Martin, Executive Director of New Hour for Women and Children - LI, said, “As previously-incarcerated women, mothers and gender-expansive people who know the life-altering consequences of languishing behind bars while awaiting adjudication, subject to more harm and trauma, we adamantly oppose

roll back efforts being introduced on New York's common-sense discovery statute, also known as Kalief's Law. This law has been successful in preventing wrongful convictions and holding police and DOCCS misconduct accountable. It is only fair that those charged with crimes have timely access to discovery to ensure transparency on both sides. Kalief's Law is a landmark reform that will continue to save lives and we call on the New York State Legislature to prioritize funding for discovery reform and not succumb to misguided rollbacks.”

“New York’s discovery laws finally ensure fairness, equity and accountability. Rolling back discovery laws does nothing to protect public safety, but rather undermine the basic rights all New Yorkers should be afforded,” said **Piyali Basak, Managing Director of Neighborhood Defender Service of Harlem.**

“For decades, prosecutors deprived New Yorkers of access to evidence in their case, undermining due process, coercing plea deals, and creating a system of trial by ambush,” said **Katie Schaffer, Director of Advocacy and Organizing at Center for Community Alternatives (CCA).** “In 2020, New York finally updated our discovery laws to address this fundamental injustice. We cannot go back.”

“In 2019, New York enacted a fair discovery statute to ensure people accused of crimes have timely and meaningful access to evidence and to mitigate wrongful convictions, coerced pleas, and unnecessary pre-trial delays,” said **Lisa Schreibersdorf, Executive Director of Brooklyn Defenders.** “This session, it is critical that lawmakers not only reject efforts to undermine the law, but also work to fulfill the promise of a transparent and just discovery system, through proper funding and efficient evidence sharing technology.”

“For too long, New Yorkers suffered wrongful convictions, trial by sabotage and the inability to make informed decisions about their cases due to the failure of the criminal legal system to provide fulsome and timely access to discovery,” said **New York State Association of Criminal Defense Lawyers (NYSACDL) Legislative Committee Chair Kevin Stadelmaier.** “Innumerable people have benefited from implementation of the common-sense 2019 Discovery laws. Misinterpreted and misleading data should never be the basis to defeat important due process protections that were enacted just a few years ago; and data never tells the true story of lives saved. We urge our legislature to fight any rollbacks that will revert us back to an era of non-transparent prosecutions.”

“Discovery Reform has been instrumental for advancing equitable and timely access to evidence. Possible rollbacks or amendments that would result in delayed disclosure would send us back to a criminal legal system that was less fair and transparent,” said **Susan C. Bryant, Executive Director of the New York State Defenders Association (NYSDA).** “Instead, we must ensure that all stakeholders are properly funded and supported so that systems can provide for the transfer of materials in a timely fashion as required by CPL article 245. There is no need to re-visit substantive language that would undermine the Legislature’s intent, which is rooted in fundamental fairness and Due Process. We applaud those who have championed Kalief’s Law and the passage of life-changing discovery reform for all New Yorkers.”

“Our members know all too well that police and prosecutors always prefer to have the deck stacked in their favor when pursuing a case. But the right to due process is fundamental, and the consequences of incarceration in New York State's prisons and jails are not just life altering, but too often deadly. We cannot allow the legislature to even consider stripping away this essential reform,” said **Darren Mack, Co-Director of Freedom Agenda.**

“There is no doubt that Kalief’s Law – New York State’s landmark discovery law – has brought a new level of fairness and transparency to the criminal-legal system,” said **Lori Zeno, Executive Director of Queens**

Defenders. “Rolling back this law will not protect public safety – it will only undermine faith in our legal system, lead to an increase in wrongful convictions and lives lost to unjust incarcerations, and reduce accountability for law enforcement. We urge legislators to continue to allocate funding to district attorney and defender offices to support the infrastructure and technology needed to ensure all New Yorkers facing criminal charges have access to the evidence in their case.”

“New York State’s landmark discovery reforms should be a model for the nation,” said **Martin J. LaFalce, Assistant Professor of Clinic Law and Director of the Defense and Advocacy Clinic at St. John’s University School of Law.** “The laws have made criminal courts more transparent, prevented wrongful convictions, exposed police and prosecutorial misconduct, and safeguarded the right of presumptively innocent New Yorkers to see the evidence against them. The Legislature should defend its reforms without condition. And it should never return to our state to the blindfold era, where hundreds of thousands of overwhelmingly Black and brown New Yorkers were denied access to prosecutors’ evidence against them.”

“When someone is accused of a crime, the right to confront and challenge the proof against them in a meaningful way is the most essential safeguard our system has to prevent wrongful convictions. The landmark Discovery Reform legislation of 2019 ensured, for the first time, that full and timely disclosure of crucial information was not overlooked or delayed. It is imperative to protect and adequately fund these safeguards that have already evened the scales of justice for so many,” said **Leanne Lapp, Ontario County Public Defender and past President of CDANY.**

“Rolling back New York’s discovery laws would undermine transparency, erode due process, and return us to an era of wrongful convictions and coerced pleas,” said **Micheal Deal, Legal Director of the Criminal Defense Unit of The Legal Aid Bureau of Buffalo.** “Kalief’s Law ensures that every New Yorker accused of a crime has timely access to evidence, promoting fairness and accountability in our justice system. Lawmakers must reject these harmful efforts and instead focus on fully funding reforms that protect the rights and dignity of all New Yorkers.”

“The accused have the legal right to all the evidence that may be used to prosecute them for crimes they may or may NOT have committed. Prosecutors are attempting to retain the upper hand in a playing field we fought long and hard to level. Persistence is the best resistance to rolling back the rights of the accused and make no mistake It Could Happen To You joins the battle to resist these rollbacks to common sense justice reforms,” said **Bill Bastuk, National Chair of It Could Happen To You.**

“New York’s discovery reform, coupled with reforms to the bail setting statutes, have protected the presumption of innocence, strengthened due process, and made New York safer. Without these important legal protections, we have an unfair two-tiered system of justice, which often benefits the wealthy, while penalizing everyone else,” said **Erin George, National Director of Policy at The Bail Project.** “To prevent countless numbers of legally innocent people from suffering the tragic, unacceptable fate of Kalief Browder, we must maintain these critical discovery laws, and institute systems that allow prosecutors timely access to police information. New Yorkers deserve due process, and we cannot allow those who peddle misinformation to tip the scales of justice by denying people evidence. In the United States, everyone is said to be equal under the law – let’s make sure access to essential case information remains equal, too.”

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