

ALLIANCE TO PROTECT  
**Kalief's Law**

February 13, 2025

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

***“Don't Turn Back the Clock on Justice: Protect Kalief's Law”***

***Ahead of Crucial Budget Hearing, Statewide Coalition Urges Legislature to Reject Governor's Proposal to Repeal Discovery Law in the Next Fiscal Budget***

**New York, NY** - On Thursday, February 13, 2025, the New York State Legislature will hold a joint legislative hearing to review the Public Protection portion of Governor Hochul's [proposed FY26 budget](#). The [Alliance to Protect Kalief's Law](#) - a statewide coalition dedicated to preserving New York's common-sense and successful discovery statute, also known as “Kalief's Law” - issued the following statement ahead of the hearing:

“Kalief's Law was enacted to end New York's ‘Blindfold Law,’ which kept people facing criminal charges and their attorneys in the dark. For decades, prosecutors would withhold evidence in a criminal case until the day of trial—or never share it at all. This led to wrongful convictions, coerced plea agreements, prolonged pretrial detention, and devastating harm to individuals, families, and entire communities.

“Kalief's Law changed that. By creating robust, transparent, and timely evidence sharing requirements, New Yorkers and their attorneys now have the time to investigate charges, interview witnesses, and prepare for legal proceedings, guaranteeing the constitutional right to a fair trial.

“Contrary to the Governor's claims, the law works. There is no evidence that evidence sharing has significantly increased case delays. In fact, early evidence sharing reduces case delays by encouraging plea bargains when information is available for the accused to review. And despite the oft-repeated allegation that cases are being dismissed more often due to minor or inadvertent discovery failures on the part of the prosecution, there is zero support for this claim.

“In reality, cases are dismissed when prosecutors or law enforcement fail to meaningfully pursue basic evidence in a case. The assertion that the prosecutors' burden under the law is too difficult is not accurate. Kalief's Law simply requires that prosecutors make reasonable efforts to meet evidence sharing requirements. As the Court of Appeals has [said](#), Kalief's Law does not require the ‘perfect prosecutor’ only a ‘diligent’ one.

“The Governor’s proposal would allow prosecutors to proceed to trial without all the police’s evidence, rendering the current requirement that police share all their evidence with prosecutors meaningless. Prosecutors could decide which evidence to share with the defense and which items to withhold. This added discretion to redact and effectively hide documents, photos, and audiovisual recordings without complete police evidence or judicial permission is not a ‘tweak’ to close a ‘loophole.’

“On the contrary, these changes will turn what are now enforceable requirements to timely disclose evidence into toothless guidelines that prosecutors and the police can ignore at their discretion. They will dismantle safeguards that keep innocent people from languishing in jail, expose police misconduct, and bring fairness to our courts. They will add to delays, foster secrecy, and punish people by once again blindfolding them and their attorneys about the evidence in their case. They amount to a wholesale repeal of the law.

“This comes as no surprise, as this proposal stems only from consultation with District Attorneys and police departments. Whereas Kalief’s Law was enacted only after all stakeholders, including people impacted by the criminal legal system, the defense community, prosecutors, judges, labor, members of the faith community, and criminal legal experts had an opportunity to provide input.

“The law should not be repealed simply because prosecutors find it hard to meet their discovery obligations. There are far less disruptive, uncontroversial solutions that would facilitate easier and quicker access to evidence. This includes increased funding for personnel or technology, or legislation to improve the evidence sharing process between police and prosecutors. What should never be on the table is any suggestion that people accused of crimes do not deserve to know all the evidence against them in a timely manner.

“Kalief Browder was only 16 when he was jailed for three years without seeing the evidence in his case. He didn’t live to see the justice these reforms have brought to others. There is no justification for why the Governor would want to see others experience the torture of languishing in jail for years in the dark. Many states have similar discovery laws to New York. Prosecutors in those states do not have issues meeting their obligations.

“We urge the Legislature to reject this dangerous proposal and uphold the constitutional promise of fairness and transparency. Protect Kalief’s Law. Protect justice for all New Yorkers.”

### **About the Alliance to Protect Kalief’s Law**

The Alliance to Protect Kalief’s Law is a statewide coalition defending New York’s successful discovery statute, known as Kalief’s Law. The Alliance includes: Families and Friends of the Wrongfully Convicted, NAACP New York State Conference, Freedom Agenda, Citizen Action New York, Innocence Project, The Bail Project, Chief Defenders Association of New York, New York State Defenders Association, New York State Association of Criminal Defense Lawyers (NYSACDL), Erie County New York Assigned Counsel Program, Monroe County Assigned Counsel Program, Ontario County Public Defender, Wayne County Public Defender, Legal Aid Bureau of Buffalo, Westchester County Legal Aid Society, St. John’s University School of Law Defense and Advocacy Clinic, Nassau County Legal Aid Society, The Perlmutter Center for Legal Justice at Cardozo School of Law, The Bronx Defenders, The Legal Aid Society, Queens Defenders, Brooklyn Defender Services, New York County Defender Services, Neighborhood Defender Service of Harlem, and more. Go to [www.protectkaliefslaw.com](http://www.protectkaliefslaw.com) for the facts about New York’s landmark discovery law.

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