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*****For Immediate Release*****

Brooklyn Defenders' Statement on Legislation to Codify People v. Bay and Strengthen Discovery Law Practice and Due Process

(BROOKLYN, NY) – **Brooklyn Defenders** issued the following statement in response to the introduction of Senator Cordell Cleare's [legislation](#) that will ensure compliance with the intent of New York's discovery laws by codifying the Court of Appeals ruling, *People v. Bay*:

“Brooklyn Defenders applauds Senator Cordell Cleare for introducing legislation that will give guidance to courts when interpreting New York's discovery laws and safeguard due process for all New Yorkers. Based on the Court of Appeals' decision *People v. Bay*, this legislation would codify the standard set by the *Bay* court that established clear factors that courts can use to determine whether a prosecutor exercised due diligence in meeting their discovery obligations.

This legislation, like the standards established by *Bay*, is an objective way to ensure prosecutors are doing their jobs. Despite misleading statements by the Governor and district attorneys, lower courts do not automatically dismiss cases just because discovery is late or missing. The Court of Appeals, in *Bay*, makes clear that our discovery laws do not require perfect prosecutors, only diligent ones. This bill underscores that.

As Governor Hochul continues to hold up the state budget to push through a proposal that will mark the return of the ‘Blindfold Law,’ we urge legislators to instead consider common-sense measures like this one, and the [bill](#) to provide district attorney's offices direct access to the electronic record systems of police departments.”

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Brooklyn Defender Services is a public defense office whose mission is to provide outstanding representation and advocacy free of cost to people facing loss of freedom, family separation and other serious legal harms by the government. www.bds.org