

# ALLIANCE NEWS



Alliance for Better Communities

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## ONGOING CONFLICTS WITH NEW YORK'S NEW DISCLOSURE RULES IN CRIMINAL CASES.

By: Martin J. Rothschild, J.D.

While reforms to New York's bail laws have generated the most initial blowback from judges and prosecutors, the liberalization of pre-trial disclosure rules and procedures has started to cause significant conflicts in pending criminal cases. Under the new rules, the prosecution is required to provide the defense with all of the evidence collected within 15 days of arraignment. The ostensible purpose is to avoid coerced plea bargains where defendants are unaware of the full extent and weight of the evidence gathered against them.



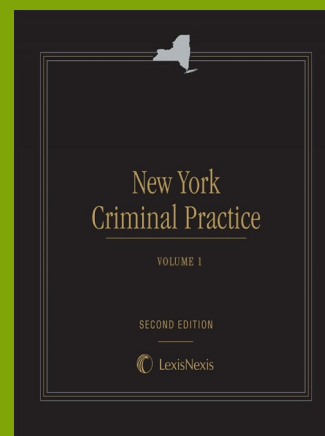
Prosecutors contend that the need for witness confidentiality is impaired by the all encompassing new rules. Brooklyn DA Eric Gonzalez recently stated: ***“If you talk to any assistant district attorney, they will tell you that one of the first questions they are asked by victims and witnesses is: ‘Will the defendant know who I am?’ ‘Will they know where I live?’”*** Furthermore, defendants now have the right to request access to an area or place relevant to the case in order to inspect, photograph, or measure it. The fear is that accused robbers, burglars, rapists and other dangerous defendants will be allowed back into the residencies, and other private property, where their alleged crimes were committed.<sup>1</sup>

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***Vision: To have a community that is fully committed to the health and safety of its residents.***

***Mission: To reduce underage drinking and substance abuse and expeditiously address any emerging threats.***



In Syracuse, a defense lawyer's motion to enter and inspect the premises where his client allegedly committed a crime is leading to the first constitutional challenge to the new procedural rules. Lance Cimino esq., the attorney for a defendant charged with a shooting that nearly killed a man, wants to search the private residence where the alleged crime took place. While the new procedural rules permit such an inspection, the prosecutor has vowed to mount a constitutional challenge to the law. The argument presented is that the fourth amendment rights of the private citizens who own the premises are violated because the entry into their home would constitute an illegal search and seizure. Cimino has fired back that his client's constitutional right to due process under the fifth and fourteenth amendments would be violated by prohibiting access to the crime scene. He argues that an evaluation of the scene is essential to the defense. The prosecutor is seeking to mount a constitutional challenge through the Attorney General's office.<sup>2</sup>



In the Bronx, District Attorneys and law enforcement officials have reported a significant increase in robberies, car thefts, grand larcenies and rapes since the new law has gone into effect. The Deputy Inspector for the area, Thomas Alps, recently complained regarding the required 15 day turnaround time for production of all evidence: ***"It's a burden on us, the Police Department. It's straining the Police Department's resources, and it's taking a lot of time and energy."*** Photographs, medical records, videos, contact information from witnesses, and grand jury testimony all have to be provided. Alps further stated: ***"We have a much bigger universe of information that we have to get, and we have to get it over to the defense in a much sooner time."***<sup>3</sup>



The new law is facing heavy criticism from both upstate and downstate Democratic Assembly members. Given that the legislative body is controlled by the Democrats, it appears increasingly likely that changes and modifications to address the increasing blowback from prosecutors, courts and police will be enacted soon.<sup>4</sup>

# FEBRUARY ALLIANCE MEETING



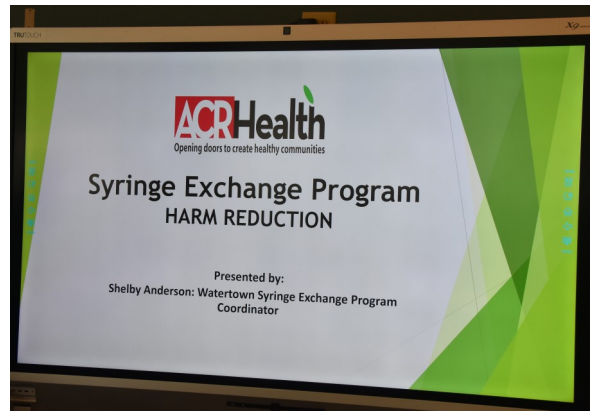
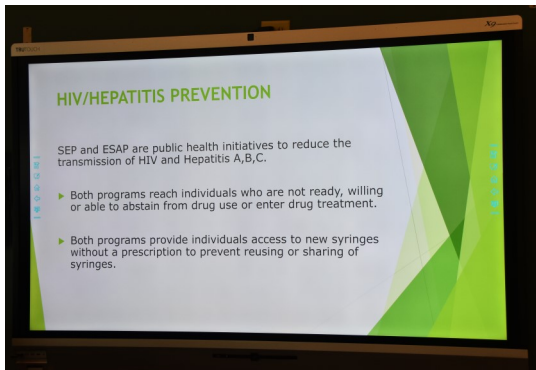
WELL ATTENDED MID-WINTER MEETING



SHELBY ANDERSON FROM ACR HEALTH SPEAKS ABOUT NEEDLE EXCHANGE PROGRAM



ANITA EXPLAINS IT ALL



## NY POT BILL COULD BRING HIGHER POSSESSION THRESHOLD

Excerpted from: Syracuse.com, Jan. 29, 2020<sup>5</sup>

ALBANY, N.Y. (AP) — A legislative proposal in New York would go further than states across the U.S. over how much marijuana a person could have before getting in trouble.

The bill, backed by a number of Democrats in both chambers, would allow people over 21 years old to have three ounces of marijuana. The standard, if approved, would set one of the most lenient marijuana possession thresholds in the nation.

Supporters of the proposal say that higher possession thresholds would help prevent people from getting wrapped up in the criminal justice system.

A competing proposal from Democratic Gov. Andrew Cuomo would only permit people to have one ounce of marijuana. Dispensaries under that plan would be allowed to sell one ounce of marijuana per person on a daily basis.

States across the nation have legalized marijuana, but many cap legal possession at one ounce, according to the National Organization for the Reform of Marijuana Laws.

Marijuana legalization in New York could eventually bring in \$300 million in annual revenues, according to a Cuomo estimate released last year.

Cuomo's proposal says marijuana revenue would be deposited in a state cannabis fund to be spent on everything from administration, to substance abuse treatment, public health education, and research.

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