

Gross Law Firm Outlines How New York's Amended Criminal Discovery Law Affects Defendants

NEW YORK, NY, UNITED STATES, July 28, 2026 /EINPresswire.com/ -- [Gross Law Firm](#), a New York City criminal defense practice, has published guidance on amendments to New York Criminal Procedure Law Article 245 that took

effect August 7, 2025, and that changed the remedies available to [defendants](#) when prosecutors fail to meet discovery deadlines.



New York enacted Article 245 in 2020, replacing a more limited discovery system with automatic disclosure. Under that framework, prosecutors must disclose discoverable evidence early in a [criminal case](#) and file a Certificate of Compliance before announcing readiness for trial. Noncompliance could result in dismissal on speedy trial grounds.

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In *People v. Bay* (41 N.Y.3d 200), decided December 14, 2023, the New York Court of Appeals addressed the standard for evaluating a Certificate of Compliance and

affirmed dismissal in a case where the prosecution had not timely disclosed discoverable material.

The Legislature amended Article 245 several times after courts dismissed cases under the statute, most recently in the amendments effective August 7, 2025.

What the Amendments Changed

Under the amended statute, an imperfect Certificate of Compliance does not by itself require dismissal. Courts consider whether prosecutors acted in good faith and exercised due diligence, and whether a remedy short of dismissal can address any prejudice to the defendant.

All five New York City district attorneys supported the amendments, arguing that cases were

being dismissed over technical discovery errors rather than demonstrated prejudice to defendants. Defense organizations opposed the changes, arguing that the prospect of dismissal was the principal mechanism ensuring timely and complete disclosure.

Defendants remain entitled to discovery under the amended statute.

Attorney Commentary

"The discovery rules are not a technicality. They are how a person accused of a crime learns what evidence the government actually has, including evidence that may establish innocence," said Leopold Gross, founding attorney of Gross Law Firm and a former New York City public defender.

"The 2025 amendments do not eliminate a defendant's right to discovery, but they significantly reduce the consequences when prosecutors fail to comply. That makes experienced defense counsel more important than ever to identify missing discovery, protect a client's rights, and seek appropriate relief before it is too late."

Gross, who spent years as a public defender, said the change is easy to miss for those who assume the system works as it did previously.

"Most people's understanding of their rights comes from television or from what happened to a friend years ago," Gross added. "The law has changed. If you're arrested today, the timeline, the paperwork, and the consequences for a late disclosure are not what they were in the past, and understanding that early can shape the entire outcome of a case."

About Gross Law Firm

Gross Law Firm is a New York City criminal defense practice representing clients across all five boroughs: Manhattan, Brooklyn, Queens, the Bronx, and Staten Island. Founded by Leopold Gross, a former New York City public defender, the firm handles a full range of criminal matters, including violent crimes, drug charges, assault, theft and property crimes, white collar offenses, sex crimes, and domestic violence cases.

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