

To: House Corrections and Juvenile Justice Committee
From: Marc Goodman, Lyon County Attorney
Date: January 23, 2012
Re: Testimony in support of HB 2468, "Reciprocal Discovery"

Madam Chair Colloton and Members of the Committee on Corrections and Juvenile Justice Judiciary Committee:

Thank you for this opportunity to present testimony on HB 2468. My name is Marc Goodman and I am a prosecutor in Emporia, Lyon County, Kansas. I am here today testifying in support of HB 2468 on behalf of the Kansas County and District Attorneys Association.

I offer the following in support of HB 2468 in the spirit of the effective, and practical, administration of justice.

In my twelve years as Lyon County Attorney, the prosecutor catch-word is "trial by ambush", and regrettably it is quite apt. Because there is no defense reciprocal duty to provide anything but expert's reports, cases which possibly should not be proceeded with or ever go to jury trial, do proceed. The case becomes an expensive chess match.

As the role of the prosecutor is to prosecute diligently and to seek the truth, reciprocal discovery would provide efficiency in the criminal system as well as equal justice.

It will: (1) Increase prosecutor's ability to filter cases set for trial; (2) Eliminate those cases where it establishes innocence; (3) Eliminate the ridiculous concept of trial by ambush; and (4) Increase efficiency and could lower costs.

The KCDAAs respectfully request the Senate Judiciary to support HB 2468.

Thank you for this opportunity and I will stand for any questions.

Sincerely,

Marc Goodman
Lyon County Attorney
Lyon County Attorney's Office

House Corrections and Juvenile
Justice Committee
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Attachment # 4-1