County Court of Rockland County
County Courthouse
New City, New York

John A. Gallucci
County Judge

March 26th, 1970

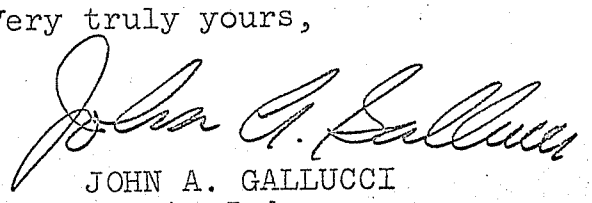
Hon. Richard J. Bartlett, Chairman
Crime Control Planning Board
Glen Falls, New York

Dear Mr. Bartlett:

I heartily concur with the sentiments expressed by Judge Young in the attached letter.

Therefore, you should exert your efforts to follow the recommendations which he has made therein.

Very truly yours,



JOHN A. GALLUCCI
County Judge

JAG/mm

CHAMBERS OF THE COUNTY COURT
COUNTY OF NASSAU
MINEOLA, N.Y.

DOUGLAS F. YOUNG
COUNTY JUDGE

February 26, 1970

Hon. Richard J. Bartlett, Chairman
Crime Control Planning Board
Glen Falls, New York

Dear Dick:

This is to inform you of my objection to a provision of the proposed criminal procedure law which I believe will have an extremely bad effect upon the administration of justice. This is Section 140.25 providing for peremptory challenges. The effect of the proposed section would be to increase the number of peremptory challenges available in the great majority of cases. You may recall that I spoke about this at the NYSBA conference at the Hotel Warwick.

It is particularly unfortunate that this change should be proposed at a time when the efforts of many people are directed toward trying to speed up trial procedures.

Where Class D and Class E felonies are involved the parties are entitled to five peremptory challenges under the present provision, Section 373 of the Code. The new statute would double this number. It is true that the provisions of the proposed statute governing challenges under Class A, B and C felonies reduce the number of challenges, but this does not offset the effect of an increase for the lower grades of felonies. Most of the cases tried involve the less serious crimes.

One consideration which tends to be overlooked is the fact that the number of challenges is determined by the charges in the indictment and in many cases the higher charges are dismissed in the course of the trial or the jury brings in a verdict for a lesser crime then was charged.

It is, of course, ironic that a provision should be adopted which would result in slowing up the selection of jurors at a time when some persons are advocating the adoption of the Federal system to try to effect economy of judicial time.

If any increase is warranted it would be at the other end of the scale or in any case where there are multiple defendants. In the case of a Class A felony where there is more than one defendant and the defendants must join in their challenges it could well be that thirty challenges should be authorized.

I point out that with jury trials for addiction questions and jury trials for youthful offenders the county courts are becoming more hard pressed every day. Any change which tends to delay the trial process further is dangerous.

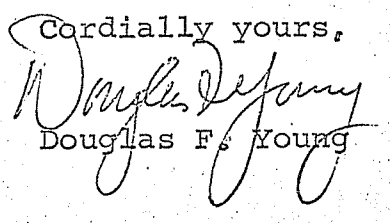
In Nassau County we have a central jury part and when a jury is to be selected we receive a panel comprised of 20 to 25 prospective jurors. This number is usually exhausted before a jury is selected and a new group is brought in and then the lawyers start all over again introducing themselves and describing the basic principles of law. Enlarging the number of challenges will only aggravate an already unhealthy situation.

I would urge that you canvass the county court judges and the supreme court justices who sit in criminal part in supreme court in New York City to determine whether the enactment of this provision would not be considered a serious mistake.

The other six county judges of this County support the above position.

I would appreciate your making this known to other persons concerned and would welcome your and their comment.

Cordially yours,



Douglas F. Young

DFY:tc

THOMAS R. NORTH
DISTRICT ATTORNEY

CLINTON COUNTY
DISTRICT ATTORNEY'S OFFICE
COURT HOUSE
PLATTSBURGH, N. Y. 12901

PHONE 563-2640

March 10, 1970

Hon. Andrew W. Ryan, Jr.
New York State Assembly, 108th District
48 Court Street
Plattsburgh, New York, 12901

Dear Andy:

I have discussed with Judge Haley a letter he received from Hon. Paul Kelly, County Judge of Nassau County, enclosing a copy of a letter written by Judge Douglas Young to Dick Bartlett.

Judge Haley has advised me that he has written you asking you to oppose the enactment of Section 140.25 of the proposed criminal procedure law.

I have been District Attorney of this County for twenty years I have tried many cases including felonies of all types from Murder first (1909 P.L.) on down.

I consider the reasoning of Judge Young sound. I saw no need to increase the number of peremptory challenges andpoint out that even in a rural county like this, not only the County Court (one Judge who is also Family Court Judge, but the District Attorney, (with one assistant) are so overburdened now that this additional burden, for which I see no need, would only make a presently difficult situation even worse.

I am sending copies of this letter to Judge Haley andto Dick Bartlett.

Sincerely,

THOMAS R. NORTH
District Attorney

TRN:ep

cc: J. Haley
D. Bartlett

COPY

THOMAS R. NORTH
DISTRICT ATTORNEY

CLINTON COUNTY
DISTRICT ATTORNEY'S OFFICE
COURT HOUSE
PLATTSBURGH, N. Y. 12901

PHONE 563-2640

March 10, 1970

Hon. Ronald B. Stafford
New York State Senator, 42d District
11 Clinton Street
Plattsburgh, New York, 12901

Dear Ron:

I have discussed with Judge Haley a letter he received from Hon. Paul Kelly, County Judge of Nassau County, enclosing a copy of a letter written by Judge Douglas Young to Dick Bartlett.

Judge Haley has advised me that he has written you asking you to oppose the enactment of Section 140.25 of the proposed criminal procedure law.

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I am sending copies of this letter to Judge Haley and to Dick Bartlett.

Sincerely

THOMAS R. NORTH
District Attorney

TRN:ep

cc: J. Haley
D. Bartlett

COPY