FILED, Clerk of the Appellate Division, April 14, 2026, **A-002627-25**, **AMENDED**

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LETTER BRIEF IN SUPPORT OF DEFENDANT-APPELLANT'S MOTION FOR LEAVE TO APPEAL ORDERED TO SERVE AS MERITS BRIEF BY THIS COURT

SUPERIOR COURT OF NEW JERSEY
APPELLATE DIVISION
DOCKET NO. A-2627-25

STATE OF NEW JERSEY,	:	**CRIMINAL ACTION**
Plaintiff-Respondent,	:	On Leave to Appeal from an Interlocutory Order
v.	:	Of the Superior Court of New Jersey Criminal Division, Essex County
SHADEED ALSTON,	:	Indictment No. 26-01-168-I
Defendant-Appellant.	:	Sat Below: Hon. JOHN I. GIZZO, J.S.C.
Honorable Judges:	:	**DEFENDANT IS CONFINED**

This letter is submitted in lieu of a formal brief pursuant to Rule 2:6-2.

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2T – March 27, 2026 (Trial Court Ruling)

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PRELIMINARY STATEMENT

The question presented to this Court is whether the State may demand, and a trial court may compel, the production of a digital copy of surveillance video footage that, *if it exists*, 1) was made by a defense investigator at the direction of defense counsel and 2) that defense does *not* intend to use at trial. The answer to that question is a resounding, well-settled "no." The New Jersey Supreme Court has repeatedly made clear that materials obtained from a defense investigation, inculpatory or otherwise, are not subject to reciprocal discovery unless defense intends to use it at trial:

> The investigative course selected by an attorney in order to prepare a proper defense for his client frequently entails a high order of discretion. This often calls for more than simple fact gathering. **Evidential materials obtained** in the exercise of this professional responsibility are so interwoven with the professional judgments relating to a client's case, strategy and tactics that they may be said to **share the characteristics of an attorney's work product.** Blanket discovery of the fruits of this kind of legal creativity and preparation may impact directly upon the freedom and initiative which a lawyer must have in order to fully represent his client.
>
> **It is abhorrent to our concept of criminal justice to compel a defendant under the guise of reciprocal discovery, to disclose to the State inculpatory evidence uncovered by defense counsel during his preparation for trial and then allow the State to use that evidence as part of its case in chief.**

State v. Williams, 80 N.J. 472, 479 (1978) (emphasis added); see also State v. Knight, 256 N.J. 404, 419 (2024).

The trial court made a clear error of law by ordering defense to produce to the State "all surveillance that is in their possession relating to 26-01-00168-I." (Dma001) The State did not produce any surveillance footage in discovery related to indictment 26-01-168-I, and no third party delivered surveillance footage to defense on their own accord. Any surveillance footage in defense's possession related to 26-01-168-I would be the product of a defense investigator—at defense counsel's direction—going to the store in question, serving a subpoena on staff, going to the store's office computer, reviewing the surveillance system for potentially relevant files, and copying those files onto a portable flash drive. Such material is unquestionably a product of defense's investigation, and the State is not entitled to it unless defense plans to use it at trial.

The trial court's decision threatens to force defense counsel to violate the Rules of Professional Conduct governing confidentiality and assist the State in prosecuting their client. As the trial court would not allow defense to move for reconsideration and denied defense's motion for a stay, this Court must take immediate action to prevent the irreparable harm of disclosing defense investigative materials that the State has no right to see. Further, failing to reverse the trial court's order would set the "abhorrent" precedent that the Williams Court warned against:

> To hold otherwise would infringe on a defendant's constitutional right to the effective assistance of counsel because of the chilling effect it would have on defense investigation. Defense counsel would be

> hesitant to make an in-depth investigation of the case for fear that inculpatory material would be disclosed which might have to be turned over to the State.

Williams, 80 N.J. 478-9.

STATEMENT OF FACTS AND PROCEDURAL HISTORY[1]

On November 6, 2025, the Dollar General at 420 Springfield Avenue in Newark reported that a black man wearing all-black clothing pushed a shopping cart with unpaid merchandise out the door. (Dma006) A store employee chased the suspect and engaged in a tug-of-war over the shopping cart. The employee stated that the suspect reached into his pocket and attempted to pull out an object, which she believed to be a firearm. (Dma006) Police reviewed the store's surveillance system, which yielded footage of the suspect entering and exiting the store. (Dma009)[2] One camera positioned at the store's exit captured a view of the suspect's face, which was submitted for "Facial Recognition analysis," yielding negative results. (Dma007; Dma010)

On November 18, 2025, employees of the Dollar General reported that the *same individual* from the November 6 incident came into the store, refused to leave, took merchandise, and threatened staff by saying, "You're going to get two

[1] Due to the interrelated nature of the procedural history and statement of facts in this case, the two sections have been combined for clarity.

[2] All surveillance footage cited and included as exhibits were produced *by the State* in discovery.

headshots today" while making a gun gesture to the side of his head. (Dma012) The suspect then went outside, looped around to the store's rear exit, and kicked the door, setting off the security alarm. Id. The suspect fled the scene.

When police arrived at the store, they encountered Shadeed Alston in the shampoo aisle and asked him to leave the store, which he did. (Dma014 at19:43:45) Police interviewed the store employees who witnessed the incident. The police officers came to believe that Mr. Alston, whom they had recently asked to leave, was the suspect. Police conducted a search of the area and apprehended Mr. Alston nearby. A store employee reported that "the cameras inside the Dollar General were [as of November 18] currently inoperative and that she did not have surveillance video of the incident at this time." (Dma012; Dma015 at 19:44:30, 19:48:00) (employee stating that the Digital Video Recorder (DVR) had been "down" for the past four days).

Mr. Alston was detained on the case related to the November 18 allegations (indictment 26-01-168-I) by the Honorable Michael L. Ravin on November 20, 2025. (Dma016-017) On December 8, 2025, Mr. Alston consented to his detention on the case related to the November 6 allegations (indictment 26-01-167-I) before the Honorable Philip Degnan. (Dma018) On January 30, 2026, the State convened two grand juries to consider the allegations from November 6 and November 18 separately. Related to the November 6 allegations, a grand jury returned indictment

26-01-167-I charging Mr. Alston with second-degree robbery. (Dma019-020) Related to the November 18 allegations, a second grand jury returned indictment 26-01-168-I charging Mr. Alston with third-degree terroristic threats. (Dma021-022)

Defense counsel engaged an investigator within the Office of the Public Defender and discussed the case with her. Among other things, defense counsel directed the investigator to prepare a subpoena for digital copies of surveillance footage from the Dollar General that could be relevant to the November 6 incident. The investigator prepared a subpoena, went to the store, and served the subpoena on staff. The investigator was permitted to review surveillance files on the store's computer and copy any files she believed may be relevant. The files were copied from the store's DVR to a portable USB flash drive. The copied footage included that of the November 6 suspect pushing a shopping cart out of the Dollar General, his face clearly visible. Defense counsel submits that the person in the footage is not Shadeed Alston and intends to rely on the footage in motions practice and at trial.

Even though store employees told police that the surveillance system was malfunctioning on November 18, defense counsel directed its investigator to conduct a second investigative trip to the Dollar General, this time related to indictment 26-01-168-I. Once again, defense counsel directed the investigator to serve a subpoena and digitally copy any surveillance files that could be relevant to Mr. Alston's case.

This second investigative trip took place on January 30, 2026, the same day that Mr. Alston was indicted on both cases.

As of March 10, 2026, defense counsel was experiencing technical difficulties in downloading discovery provided by the State regarding the November 6 allegations (indictment 26-01-167-I). Due to those difficulties, and because the surveillance footage is exculpatory, defense counsel sent its copy of the November 6 surveillance footage to the State and asked if the State would consent to Mr. Alston's release. (Dma023-025) As it turned out, the State already possessed the footage and included it in discovery available for defense to download.

With regard to the *November 18* surveillance footage (indictment 26-01-168-I), the State has represented the following:

> The Newark Police Department's discovery package (including incident reports, arrest reports, property receipts for the glass pipe and show-up materials, CAD) contains no store surveillance video. The State has no copy of any Dollar General or nearby surveillance footage. The State attempted to obtain the footage, but **it was told that the footage was inoperable** and that **if it did exist, the footage had exceeded retention time.** However, **on the date of March 11, 2026, defense counsel informed the State that they have independently obtained this video.**

(Dma027) The State also represented on the record on March 20, 2025, that "it was incorrectly placed on [police] reports that [footage from November 18] did not exist. However, Mr. Bell was able to subpoena within that timeframe." (1T at 5-21 to 23)

Defense submits that the State is mistaken. In its certified reply to the State's motion to compel, defense wrote:

> To date, defense has no reason to believe that surveillance footage from November 18 exists. But even if it did, defense would not be obligated to turn over any fruits of its investigation that it does not intend to rely on at trial.

(Dma032) Further, in oral argument on March 20, defense stated:

> And whatever I think A.P. Goel, in good conscience, might have thought, I represented, I'm saying now defense has no reason to doubt what was represented by the store to police, that the DVR was malfunctioning.

(1T at 11-20 to 24)

On March 12, 2026, the State filed a motion to compel production of "all surveillance that is in [defense's] possession relating to 26-01-00168-I. (Dma001) The State relied on the following interpretation and application of State v. Knight, 256 N.J. 404 (2024):

> In Knight, the Court held that physical evidence of a crime obtained by the defense must be turned over in reciprocal discovery. The Court distinguished older cases (State v. Mingo, 77 N.J. 576 (1978) and State v. Williams, 80 N.J. 472 (1979)) that **protect only defense-generated work product or investigative materials.** Here, as in Knight, the Dollar General surveillance video is pre-existing, independent physical evidence of the charged crimes themselves—not attorney work product. It was also obtained from an independent third party, and not created by defense counsel.

(Dma027-028) Defense replied that the alleged surveillance footage is obvious defense investigative material; whereas the affidavit at issue in Knight was delivered

to defense through no investigative work of its own, any alleged digital copies of surveillance footage in this case were made by a defense investigator at defense counsel's direction. (Dma030)

The trial court heard oral argument on March 20, 2026. During oral argument, defense reiterated that Dollar General employees represented that the surveillance system was malfunctioning on November 18, 2025. The court inquired, "You say it was malfunctioning. Were they able to produce something, or they say we don't have anything?" (1T at 14-21 to 24) Defense asked for a sidebar; it refused to answer that question or any other questions about specific proceeds of its investigation that it did not intend to rely on at trial.

On March 27, 2026, the trial court granted the State's motion to compel, finding in pertinent part,

> [T]he surveillance video from the Dollar General is physical evidence of a crime, and **it is not the product of defense investigation** or attorney work product.

(2T at 7-13 to 16)

> Somehow **Mr. Bell and his investigator** were much more fortunate in that they may have obtained -- although it's not very clear yet because we haven't gotten a definitive answer, but that the defense **may have gotten a copy of that.** When the State went back to get it, they now said, oh, the retention period is over, so the State couldn't get it again. But the reality here is that **that is not something that was generated by the defense.**

(2T at 8-1 to 9) The State did not call, and the trial court did not demand, any witnesses or evidence regarding if or when State investigators went to the Dollar General or served a subpoena, nor any witnesses or evidence related to the retention period of Dollar General surveillance footage.

LEGAL ARGUMENT

POINT I

THE TRIAL COURT MADE A CLEAR ERROR BY FAILING TO FIND THAT A DIGITAL COPY OF MATERIAL MADE BY A DEFENSE INVESTIGATOR IS, IN FACT, THE PRODUCT OF DEFENSE INVESTIGATION.

The "thrust [of the reciprocal discovery provision in R. 3:13-3] is that the State is entitled to know in advance what evidence a defendant intends to use at trial so that it may have a fair opportunity to investigate the veracity of such proof." State v. Williams, 80 N.J. 472, 478 (1979). It is not to force defense to do the State's job of investigating and proving crimes beyond a reasonable doubt. By statute and constitutional law, products of an investigation that defense does not intend to use at trial are not discoverable by the State. The statutory source for this common-sense exception is R. 3:13-3(d):

> **This rule does not require discovery of a party's work product consisting of internal reports, memoranda or documents made by that party or the party's attorney or agents, in connection with the investigation**, prosecution or defense of the matter nor does it require discovery by the State

> of records or statements, signed or unsigned, of defendant made to defendant's attorney or agents.

R. 3:13-3(d). A "document" in this sense is not limited to an antiquated conception of the term, but rather includes digital recordings as well. For instance, Black's Law Dictionary defines a "document" as:

> Something tangible on which words, symbols, or marks are recorded. Most traditionally, of course, the term embraced any piece of paper with information on it. **Today the term also embraces any information stored on a computer, electronic storage device, or any other medium.**

DOCUMENT, BLACK'S LAW DICTIONARY (12th ed. 2024)(citing to FED. R. CIV. P. 34(a)).

Constitutionally, the confidentiality of defense's investigation is protected by a defendant's right to effective assistance of counsel, guaranteed by the Sixth Amendment to the United States Constitution and Art. I, par. 10 of the New Jersey Constitution:

> To safeguard the defense attorney's ability to provide the effective assistance guaranteed by these constitutional provisions, it is essential that he be permitted full investigative latitude in developing a meritorious defense on his client's behalf. **This latitude will be circumscribed if defense counsel must risk a potentially crippling revelation to the State of information discovered in the course of investigation which he chooses not to use at trial.**

State v. Mingo, 77 N.J. 576, 582 (1978).

Lastly, defense attorneys are strictly prohibited from divulging information related to the representation of their clients, particularly if that information can be damaging to the client. New Jersey Rule of Professional Conduct 1.6a provides:

> A lawyer shall not reveal information relating to representation of a client unless the client consents after consultation, except for disclosures that are impliedly authorized in order to carry out the representation.

N.J. Rules Prof'l Conduct R. 1.6.

On the one hand, the State and the trial court acknowledge that any surveillance footage from November 18 in defense's possession would be the product of a defense investigation. (1T at 5-21 to 23)("Mr. Bell was able to subpoena within that timeframe."); (2T 8-1 to 5)("Mr. Bell and his investigator…may have gotten a copy of that.") On the other hand, the State and the trial court insist that the alleged copy of the footage is *not* investigative proceeds because it was not "generated by" or "not created by defense counsel or at their direction." (2T at 8-1 to 9; Dma034) The State reasoned, "Here, the Dollar General cameras, not defense counsel or any investigator hired by them created the video on November 18, 2025." (Dma034)

Such an interpretation of investigative work product would make all defense investigative materials discoverable, for it could be said that defense does not "create" any evidence of any kind. For instance, defense does not "create" witnesses or their statements, it *records* them. Defense does not "create" crime scenes, it

photographs them. A surveillance camera with a DVR storing the footage is akin to a witness observing and remembering an event; copying video footage and recording a witness's retelling of an event are comparable investigative actions. If defense attorneys can be required to turn over all copies of video footage they obtain from an investigation, what prevents the State from demanding defense recordings (both digital and written) of other types of evidence?

Imagine a hypothetical scenario. A defendant is accused of pointing a handgun at someone and shouting a terroristic threat. A police officer observed the incident and chased the suspect. The officer saw the suspect throw the handgun onto a riverbank, but continued to pursue the suspect, who escaped. Police did a lousy job of searching the riverbank for the handgun, and they did not take any photographs. A defense investigator went to the riverbank after the police investigation, saw the handgun underneath some brush, and took a photograph of it. The following day, a storm washed the handgun into the river and sent it downstream.

Is defense counsel obligated to turn over the incriminating photograph, which it obviously would not use at trial? Absolutely not. By the logic of the State and the trial court, the investigator's *recording* of evidence is akin to the investigator *taking* the evidence itself. However, the investigator in the hypothetical did not take possession of the gun. By the same token, defense's investigator in this case did not steal the Dollar General's DVR. Instead, she exercised her judgement and copied

files that she believed could be relevant to the client's defense. The DVR was, and presumably still is, equally accessible to the State.

State v. Williams is analogous to the case at bar. 80 N.J. 472 (1978). In Williams, defense counsel and his investigator, in their preparation of the case, interviewed the victim on two occasions and showed her several photographs. Id at 476. The victim positively identified the defendant as her attacker. The State successfully moved for reciprocal discovery of defense's materials from the interviews: the photographs and memoranda documenting the results of the identification. The Williams Court found:

> [T]he trial court, in extending the criminal reciprocal discovery provisions of R. 3:13-3 to inculpatory material which defense counsel had in his file, trespassed on defendant's right to effective assistance of counsel. The material was obtained during defense counsel's preparation for trial and, since it was inculpatory, counsel obviously did not intend to use it at trial.

Williams, 80 N.J. at 477. Defense did not "create" the victim's statements identifying the defendant, it merely recorded them. The same is true for the alleged copy of surveillance video in this case. It would be material obtained during defense counsel's preparation for trial and is not discoverable unless it is intended for use at trial. If the defense in Williams had made a *video recording* of the victim's positive identification, the court's ruling would be no different.

The State's and trial court's reliance on State v. Knight is unavailing due to their flawed interpretation of when material is "created by" defense. 256 N.J. 404

(2024). In Knight, unlike in this case, defense did no investigation at all. Rather, an affidavit appeared on defense counsel's doorstep through no work of defense or its agents. Id at 408. Further, the affidavit itself was *physical evidence of a crime*. The defendant allegedly armed himself, held a witness at gunpoint, and forced the witness to hand-copy and sign an affidavit recanting a previous statement. There is no analogizing the affidavit in Knight, a literal *product* of a crime, to an investigator's alleged copy of surveillance video that *might have recorded* a crime.

If the State missed its opportunity to make a digital copy of Dollar General's surveillance footage (a proffer that is without any documented corroboration from Dollar General), that is not defense's problem. However, the idea that the State tried to obtain footage *after* defense's investigation is hard to fathom, considering that defense did not conduct its investigation related to indictment 26-01-168-I until January 30, the day Mr. Alston was indicted. The State would have concluded all investigation it deemed necessary prior to a grand jury presentation. Additionally, any State subpoena for evidence *after* the indictment would be an abus*e* of the grand jury subpoena power:

> Post-indictment, the State may continue to use the grand jury to investigate additional or new charges against a defendant. However, **once an indictment is returned, the State may not use the grand jury to gather evidence solely in respect of the charges already filed.**

State v. Francis, 191 N.J. 571, 592 (2007).

The State's motion to compel was an extension of the State's insecurity in their own investigation, misunderstanding of a comment from defense counsel, and misinterpretation of Rule 3:13-3 and State v. Knight. This Court must intervene to right their course.

POINT II

THE INTERESTS OF JUSTICE REQUIRE IMMEDIATE APPELLATE REVIEW.

This Court should grant leave to appeal so that defense counsel is not forced to disclose confidential material. R. 2:2-4. An appellate court will exercise its discretion to grant leave to appeal "where there is some showing of merit" and "where some grave damage or injustice may be caused by the order below." Romano v. Maglio, 41 N.J. Super. 561, 568 (App. Div.), certif. denied, 22 N.J. 574 (1956), cert. denied, 53 U.S. 923 (1957). Each prong is satisfied here. First, the trial court clearly erred by misinterpreting Knight in a way that abolishes the confidentiality of defense investigations. Second, justice calls for intervention because, once defense investigative material is disclosed, it cannot be un-disclosed. The potential harm of such disclosure to Mr. Alston would be irreparable.

This appeal also has precedential importance. If the State can compel fruits of a defense investigation that defense does not intend to use, defense attorneys throughout New Jersey will curtail their investigative efforts, depriving their clients

of effective assistance of counsel. Innocent people will remain in jail because their attorneys will not search for *exculpatory* information out of fear of finding *inculpatory* information. This Court cannot allow such an abhorrent outcome.

CONCLUSION

For the foregoing reasons, this Court should grant leave to appeal the trial court's order, stay the trial court's order pending appeal, and ultimately reverse the order compelling production of defense investigative material.

Respectfully submitted,

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BY: /s/ *Connor Bell*
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DATE: April 2, 2026

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April 6, 2026

Honorable Judges
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Hughes Justice Complex - P.O. Box 006
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Re: State v. Shaheed A. Alston
No. A-2627-25 (AM-0462-25)

Your Honors:

Please accept this letter in lieu of a more formal brief in opposition to defendant Shaheed A. Alston's emergent motion for leave to appeal.

Some appeals are deceptively simple. This one is just simple. Counsel has in his "possession, custody, [and] control" "relevant… tangible objects… or copies thereof…[of] video… recordings" that everyone agrees contain surveillance footage relevant to the charged offenses. R. 3:13-3(b)(2)(B). There can be no doubt, as the trial judge correctly found, that this rule demands the videos be turned over to the State. Simply put, "[t]here is no question that this type of physical evidence falls squarely within defendant's

required reciprocal discovery obligations under that Rule." State v. Knight, 256 N.J. 404, 422 (2024).

To avoid this obvious conclusion, defendant tries to make this case about things it is not. For example, it's not about work product. Surveillance footage in its original form (or a copy thereof) is not work product. If counsel and/or his investigator pieced together portions of the video to create a summary of what they believe to be relevant moments, or took notes about what was on the video, or went out and did something else because of what they saw in the video, that would be a different story. But "the item in question is physical evidence of a crime and not the product of defense counsel's investigation." Id. at 423. The camera recorded what happened, and the footage shows what was recorded. There is no "work product" involved here. The defense must provide what the rule demands, a copy of the surveillance footage, and nothing more.[1]

Nor is this case about what defendant plans to use "at trial." The applicable rule quoted above is not so limited. Cf. R. 3:13-3(b)(2)(C), (D). A

[1] Notably, the State also enjoys the "work product" privilege. See R. 3:13-3(d). No one would possibly argue if the State obtained this footage first it could shield the evidence based on that privilege. After all, the State doesn't "create" any evidence either; it obtains it through investigative processes. It doesn't create witnesses, their statements, or crime scenes. (Dmb13-14). Under defendant's theory, anything the State gets must also be its work product and beyond discovery. The idea is, frankly, ridiculous.

trial is supposed to be a search for the truth, and surveillance video of the relevant scene, regardless of who acquired it first, obviously sheds light on what happened. As the Supreme Court has said repeatedly, "[t]he purpose behind the open-file approach [to discovery] is '[t]o advance the goal of providing fair and just criminal trials' and 'the quest for truth.'" Knight, 256 N.J. at 416 (quoting State v. Scoles, 214 N.J. 236, 252 (2013)); see R. 1:1-2(a) ("The rules…shall be construed to secure a just determination, simplicity in procedure, fairness in administration and the elimination of unjustifiable expense and delay."); accord N.J.R.E. 102 ("These rules shall be construed to administer every proceeding fairly, eliminate unjustifiable expense and delay…to the end of ascertaining the truth and securing a just determination."). Unfortunately, the defense here seems more interested in trying to reap a windfall from getting the footage first than it does a fair, just, and level playing field. Thankfully, the reciprocal discovery rule squelches that very perverse "race to the evidence" philosophy, where defense investigators, particularly well-funded ones, could hurry to relevant places, secure the evidence, and then hide it behind the wall of "privilege" to thwart the truth-seeking function of the criminal justice process.

Defendant claims that "[a] surveillance camera with a DVR storing the footage is akin to a witness observing and remembering an event; copying

video footage and recording a witness's retelling of an event are comparable investigative actions." (Dmb14). But different rules apply to these situations; one speaks to tangible evidence like surveillance footage, R. 3:13-3(b)(2)(B), while another speaks to written witness statements from "those [witnesses] whom the State may call as a witness at trial." R. 3:13-3(b)(2)(D). As to the latter, "[d]iscovery of such statements, or summaries, which defendant intends to use at trial, is entirely proper." State v. Williams, 80 N.J. 472, 478 (1979). Conversely, that part of the rule "does not give the State access to statements or summaries of statements made by its witnesses to defense counsel during defense preparation for trial if defense counsel does not intend to use them at trial." Ibid. But here, we are not talking about witness statements. There is no "legal creativity" here. Id. at 479. At issue here is tangible and presumably unaltered surveillance footage that is relevant to the charged offenses. To paraphrase Knight:

> The [surveillance footage], therefore, is physical evidence of a crime. It is not the product of the defense investigation or attorney work product, and it therefore does not fall within the exception to the discovery obligations set forth in Rule 3:13-3(d). Rather, the [footage] is a relevant [recording] in defense counsel's possession pursuant to Rule 3:13-3(b)(2)(B). There is no question that this type of physical evidence falls squarely within defendant's required reciprocal discovery obligations…. [256 N.J. at 422.]

Defendant's hypothetical hurts his position. (Dmb14). In that situation, the same rule would require the defense to turn over that photograph. It

clearly satisfies the language of Rule 3:13-3(b)(2)(B) quoted above, simply replacing "video…recordings" with "photographs." Defendant can emphatically announce "[a]bsolutely not[,]" (Dmb14), but cites nothing in support of his statement. The plain language of the rule is again his downfall.

This case is even less about the Rules of Professional Conduct. RPC 1.6 contains the caveat that revealing information relating to the representation of a client is allowed for "disclosures that are impliedly authorized in order to carry out the representation." Compliance with the discovery rules is clearly authorized and part of representing criminal defendants. Conversely, obstructing another party's access to evidence, RPC 3.4(a), and failing to make reasonable efforts to comply with legally proper discovery requests by an opposing party, RPC 3.4(d), need not be. With the Rule and Knight so clear, no one could criticize counsel's compliance as anything but ethical.

At bottom, defendant fails to show the trial court abused its "generous" discretion in granting the State's discovery request. Knight, 256 N.J. at 415-16. As such, defendant's motion should be denied. R. 2:2-4; Brundage v. Est. of Carambio, 195 N.J. 575, 599 (2008). Or, if granted, affirmed. R. 2:11-2.

Respectfully submitted,

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