

New Jersey

Greenbaum Rowe
Smith & Davis LLP
COUNSELORS AT LAW



Christopher D. Adams



Abdus-Sami M. Jameel

Greenbaum Rowe Smith & Davis LLP approved and supported a pro bono representation of the Association of Criminal Defense Lawyers of New Jersey

Greenbaum Rowe Smith & Davis LLP successfully represented amicus curiae the Association of Criminal Defense Lawyers of New Jersey in a case of first impression before the New Jersey Superior Court, Appellate Division. At issue in the case was whether a criminal defendant could require prosecutors to give the defense complete access to the source code, i.e., software language, of a computer program designed by a private company that takes a DNA sample and computes a probability that the sample belongs to any one individual. The New Jersey Appellate Division held that biotech firm Cybergenetics Corp. cannot withhold the proprietary information of a DNA testing software program that allegedly tied a man to a fatal shooting. The court further ruled that the prosecutor and Cybergenetics request for an overly broad NDA was not required because a protective order can meaningfully protect a company's trade secrets by imposing sanctions for violations that include license suspension, disciplinary actions, and civil penalties. As probabilistic genotyping (PG) software become increasingly ubiquitous in prosecutions around the country, courts have had to wrangle with its impact on lawyers' ability to provide a meaningful defense to a criminal defendant. The court's decision to provide defense attorneys with access to the foundations of new scientific techniques will assist attorneys in their preparation of a case and prevent wrongful convictions based on potential errors in that science.