



STATE OF NEW YORK | EXECUTIVE CHAMBER

ANDREW M. CUOMO | GOVERNOR

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GOVERNOR CUOMO GRANTS PARDONS

Unveils New Website Providing a Central Resource to Individuals Applying for Clemency

Governor Andrew M. Cuomo today granted pardons to two individuals who have completed their sentences and contributed positively to society in the years since. These pardons, selected after a careful review of all applicants for clemency, were granted to address the deportation and reentry consequences of their convictions.

"These two individuals have been an active and engaged part of the New York community since completing their sentences and deserve a second chance without fear of being separated from their families through deportation," Governor Cuomo said. "The positive contributions to society by both of these individuals in the years since their release support the case for justice to be delivered through clemency, and I am pleased to take this action today."

Governor Cuomo today issued the following two pardons:

- Antonio Argibay, 62, currently the sole proprietor of a New York City-based architecture firm, was convicted of criminal sale of a controlled substance in the second degree in 1979. An undergraduate student at the time, Argibay was sentenced to three years to life in prison under the Rockefeller drug laws. He graduated from university in absentia while incarcerated. After completing his minimum sentence, Argibay earned a master's degree from the Pratt Institute in 1980 while under parole supervision. He has been a licensed architect in New York for over 30 years and is an active volunteer with Upwardly Global, a non-profit organization dedicated to helping immigrants re-enter their professions after moving to the United States. Originally from Cuba, Argibay is a legal permanent resident with concerns about the possibility of being separated from his family if he were to travel outside of the country.
- Alvaro Khalil Cumberbatch, 33, of Springfield Gardens, Queens, was convicted of robbery in the first degree in 2003. After serving his prison sentence, he was released in 2010 and discharged from post-release supervision in 2012. Cumberbatch is a married father of two young children and, since his release, he has earned his bachelor's and master's degrees. He currently works with prison re-entry organizations including the Fortune Society, sits on the board of directors for the Alternatives to Violence Project, and owns his own social media consulting business. Cumberbatch is a legal permanent

resident who immigrated to the United States from Guyana when he was four years old. He recently faced deportation proceedings which could be reactivated at any time.

Over the past few years, there has been a sharp decrease in applications for clemency from a high of 1,269 applications in 2010 to 171 applications in 2014. To that end, in addition to announcing today's pardons, Governor Cuomo unveiled a new website, www.ny.gov/clemency, to act as a central resource for those eligible for clemency to apply.

Under the New York Constitution and State law, the Governor has the authority to grant commutations and pardons. Together with the pardons announced last year, the Governor has pardoned five individuals since taking office.

Qualified candidates for commutations may include those who do not have a significant criminal history, have served at least half of their minimum sentences, and have demonstrated evidence of good conduct in prison as well as significant rehabilitation. Qualified candidates for pardons may include individuals whose rights or legal status are hindered by their past criminal convictions.

United States Congressman Gregory Meeks said, "I applaud Governor Cuomo for granting a pardon to Khalil Cumberbatch, and for his ongoing commitment to providing meaningful opportunities for the formerly incarcerated. As Khalil's elected Representative, I proudly joined the overwhelming community and organizational support for him as he faced imminent deportation and exile from his entire family, despite all he had done to rebuild his life. Mr. Cumberbatch's well-documented rehabilitation demonstrates the need for supportive re-entry programs and the full restoration of rights after incarceration. It is only after one is able to truly rebuild his life, and rejoin all aspects of societal responsibility that getting support and lending support is possible and necessary. Mr. Cumberbatch's pardon allows others to see that we live in a state where full participation is needed and wanted."

Senator Gustavo Rivera said, "I enthusiastically support the pardon of Mr. Cumberbatch, and deeply appreciate Governor Cuomo's leadership in supporting effective re-entry and rehabilitation. Mr. Cumberbatch's dedication to improving himself and his community is clear -- during his incarceration he took every opportunity to educate himself and support the education of others. In the four years since his release, he has built a solid track-record of public service. Mr. Cumberbatch's experience reinforces the need to allow for meaningful second chances. This pardon is a critical step in preventing his deportation and ensuring he has the opportunity to continue to build a lasting and strong connection with his family and community."

Assemblyman Francisco Moya said, "In the United States, we believe that people have the power to reform themselves and live full, productive lives after incarceration. Alvaro Cumberbatch represents the very essence of this belief. After his incarceration as a young man, he not only rehabilitated himself, he chose to dedicate his adult life to helping others do the same. He is precisely the type of person we should want to keep in New York. I commend Governor Cuomo for choosing to pardon Mr. Cumberbatch and am proud to say that I lent my hand to this worthy effort. There are times when extra discretion is necessary, when one has reformed his life so completely that he is deserving of a fresh start. Mr. Cumberbatch is one of those people and he has proven himself deserving of a pardon and the opportunity to become a U.S. citizen."

Department of Corrections and Community Supervision Acting Commissioner Anthony J. Annucci said, “Granting clemency to these individuals gives them a second chance at leading active, law-abiding lives. Governor Cuomo’s pardon of Antonio Argibay and Alvaro Khalil Cumberbatch will allow them to continue contributing to society, providing for their families and supporting their communities, which they have done since their release. They will now be able to live accordingly without fear of the possibility of deportation.”

Alphonso B. David, Deputy Secretary and Counsel for Civil Rights, said, “Pardoning these individuals provides them with the justice they deserve, now that they have been law-abiding citizens since completing their sentences. The Governor’s actions will allow them to continue to better their lives and continue giving back to their communities without fear of retribution.”

Rossana Rosado, Chair of the New York State Council on Community Re-Entry and Reintegration and Member of the Board of Trustees at John Jay College of Criminal Justice, said, “These men have redeemed themselves in the years since they finished their sentences, making their pardons today the right decision. Many previously convicted individuals have had a successful re-entry to society and it is important that we give such people a second chance. I thank Governor Cuomo for providing Messrs. Argibay and Cumberbatch with that opportunity.”

JoAnne Page, President & CEO of the Fortune Society, a non-profit organization dedicated to successful re-entry from prison, said, “In pardoning Alvaro “Khalil” Cumberbatch, Governor Cuomo has demonstrated his commitment to supporting successful reentry once a person’s sentence has been served. Doing so is in society’s interest because everyone benefits when a person comes home from prison and rebuilds his life so that he is a resource to his family and community. At Fortune, we call Khalil the “poster child” for successful reentry – he is outstanding in his achievements and in how he has become a key support to his family and a deep contributor to the rehabilitation of others. Khalil is a trusted and talented colleague, a true friend, a loving husband, devoted father and loyal son. The Governor’s compassion, humanity and belief in second chances inspire all of us, and we are deeply grateful for his commitment to justice and redemption.”

Danielle Sered, Director of Common Justice for the Vera Institute for Justice, said, “Pardons can be of enormous value in advancing justice for people who have done the hard work of transforming themselves and their communities after being incarcerated. From his Masters’ Degree in Social Work to his commitment to serving as a positive role model to others, Mr. Cumberbatch exemplifies the values we as a society should nurture—not just in those coming home from prison, but in all of us.”

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