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GOVERNOR ANDREW M. CUOMO

GOVERNOR CUOMO GRANTS CLEMENCY TO FOUR INDIVIDUALS AND LAUNCHES PRO BONO CLEMENCY PROGRAM

State Partnering with Organizations in Legal Community to Provide Clemency Applicants with Pro Bono Legal Services

Today Governor Cuomo granted two sentence commutations and two pardons to four individuals who have demonstrated rehabilitation and made positive strides in their lives since their criminal convictions. These individuals, selected after a review of all applicants for clemency, were granted sentence commutations in the interests of justice and rehabilitation and issued pardons to address the immigration and reentry consequences of their convictions.

“Today we are taking a critical step toward a more just, more fair, and more compassionate New York,” **Governor Cuomo said**. “With this new initiative, we are seeking to identify those deserving of a second chance and to help ensure that clemency is a more accessible and tangible reality.”

Governor Cuomo today issued the following sentence commutations:

Lydia Ortiz, 70, of Rochester, is currently serving an aggregate sentence of 20 to 25 years in prison with five years of post-release supervision after being convicted in 1989 of Conspiracy, First-degree Criminal Possession of a Controlled Substance, and Third-degree Criminal Possession of a Controlled Substance in Monroe County. Ms. Ortiz has severe mobility issues and is unable to walk without assistance. Ms. Ortiz has an excellent prison disciplinary history and, despite her physical limitations and difficulty moving about the facility, has completed several programs to prepare her for re-entry, including the Alternative to Violence Program. She has maintained ties with family and friends during her incarceration and plans to reside with her family upon release.

Michael Correa, 43, of the Bronx, was convicted in 2010 of two counts of Criminal Sale of a Controlled Substance in the First Degree and Criminal Sale of a Controlled Substance in the Second Degree in New York County. Mr. Correa was battling substance abuse and sold drugs to an undercover officer to further support his addiction. He pleaded guilty and was sentenced to eight years in prison and five years post-release supervision. Over the past five years in custody, Mr. Correa successfully

achieved his high school equivalency and completed a program to prepare him for re-entry. Since 2014, he has participated in the Department of Corrections and Community Supervision's temporary work release program and gained employment as a messenger for a New York City-based company. He is the father of three children and grandfather of three grandchildren.

Department of Corrections and Community Supervision officials are expeditiously processing both inmates for an actual release date of Oct. 27, 2015.

Governor Cuomo today issued the following pardons:

Joseph Wilson, 66, of New York City, was convicted after a jury trial in 2006 in New York County of Criminal Possession of a Controlled Substance in the Seventh Degree, Attempted Tampering with Physical Evidence, Resisting Arrest, and Obstructing Governmental Administration in the Second Degree. He successfully completed four days of community service and one year of conditional discharge, and received a Certificate of Relief from Disabilities on December 15, 2009. Mr. Wilson is a native of Liberia who has resided in New York City for over 40 years and these convictions have hampered his efforts to regain his legal residency and obtain viable employment. Mr. Wilson has two grown sons and four grandchildren. He has no other criminal history.

Patrick Olivier, 43, of Jersey City, NJ, was convicted in 1993 of Third-degree Attempted Criminal Sale of a Controlled Substance in Suffolk County. Olivier was sentenced to 60 days in the Suffolk County Jail and five years of probation after pleading guilty. This was Mr. Olivier's first and only criminal offense. Mr. Olivier has since obtained his general equivalency diploma, obtained his security guard's license, and completed legal assistant training. Mr. Olivier is a lawful permanent resident from Haiti and seeks to become a U.S. citizen.

To assist individuals in applying for clemency, Governor Cuomo is partnering with several organizations from the legal community including, the New York County Lawyers Association, the New York City Bar Association, the New York State Bar Association, the Legal Aid Society and the New York State Association of Criminal Defense Lawyers to provide *pro bono* clemency petition services to individuals incarcerated by the Department of Corrections and Community Supervision.

Although individuals may apply for clemency without the assistance of an attorney, assistance from a *pro bono* attorney will enhance the quality of an inmate's application and present his or her best case to the Governor. The National Association of Criminal Defense Lawyers has agreed to assist in the implementation of the program by providing technical assistance and training of the *pro bono* attorneys. The Bronx Defenders will provide post-petition legal services with respect to benefits, housing, and employment, for successful petitioners.

The Governor has the authority to grant commutations and pardons under the New York Constitution and State law. Together with the pardons announced in 2013 and 2014, the

Governor has pardoned seven individuals and commuted two sentences since taking office.

The Governor engages a careful, holistic review of clemency applications with officials from the Executive Chamber, Department of Corrections and Community Supervision, the Board of Parole, and the Office of Victims Services. 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.

Individuals interested in applying for clemency should visit Governor Cuomo's clemency website, recently launched within the last year, www.ny.gov/clemency. The website is a central resource for those seeking to learn more about clemency, eligibility requirements, and the application process, including submitting application materials electronically. Family members and friends of individuals serving prison sentences are encouraged to visit the website and apply for clemency on behalf of their family member or friend.

Congressman Charles Rangel said: "I commend Governor Cuomo for initiating this great effort with the Bar Associations to help inmates obtain a commutation and provide a second chance to those who have demonstrated their capability to become productive members of society. The Governor has shown great compassion in granting clemency to these qualified individuals, including Mr. Joseph Wilson who is from my community. I thank the Governor for pardoning a hard-working grandfather who I know will continue to make a great contribution to his community and nation."

Assembly Speaker Carl Heastie said: "The Assembly has long advocated for reforms to our justice system that would redirect the focus on rehabilitation instead of retribution, and today the Governor has answered that call. Ensuring the availability of pro bono assistance services for individuals who have served their time and have earned a fair chance to live a meaningful and productive life is a critical step toward healing communities and families."

Senator Gustavo Rivera said: "Our justice system should not just be about punishment, but also rehabilitation. The creation of the clemency project will provide countless incarcerated New Yorkers who have demonstrated remorse for their actions and have shown a concerted effort to rehabilitate with the resources they need to seek clemency. I thank and commend Governor Cuomo for keeping his word and showing mercy to those New Yorkers who have demonstrated they are worthy of a second chance."

Senator Ruth Hassell-Thompson said: "Governor Cuomo should be commended for his actions today. The Governor's commitment to reforming the state's prison system and making clemency more accessible – similar to what I have been fighting for in the

legislature – is essential for our State. We need to look at our prison system differently – to employ a new perspective on the issue of incarceration and take concrete steps to strengthen our focus on rehabilitation and re-entry – and today is an important step in the right direction.”

Carol A. Sigmund, President of the New York County Lawyers Association said:

“We are pleased to be working with the Governor and with firms Kramer Levin Naftalis & Frankel LLP and Patterson Belknap Webb & Tyler LLP to create this pro bono program. Too many New Yorkers are incarcerated for too long. We hope this program is one step in the long road to reduce over-incarceration in New York State.”

David P. Miranda, President of the New York State Bar Association said: “We are a merciful and just society that values true rehabilitation over mass incarceration. The decision to grant clemency never is taken lightly. We appreciate that Governor Cuomo has asked the legal profession to help identify cases worthy of consideration. The New York State Bar Association is pleased to participate.”

John Savarese, a partner at Wachtell, Lipton, Rosen and Katz, a member of the New York City Bar Association's Executive Committee, and Chair of the City Bar's Task Force on Mass Incarceration, said: “We see this work as an important component of our efforts to do what we can to ameliorate the significant negative consequences of mass incarceration policies in this country. The City Bar looks forward to working with our pro bono lawyers and the Governor's office to make sure that more eligible individuals receive sentence commutations or pardons so that they can go on to lead productive lives.”

Seymour James, the Attorney-in-Chief of the Legal Aid Society, said: “I applaud the Governor for this new round of clemencies, which gives people the opportunity to return to loved ones and contribute meaningfully to their communities. The Legal Aid Society welcomes the opportunity to prepare future applications for commutations or pardons that will return additional New Yorkers to their communities. The pro bono partnership with the bar associations is an exciting development which should yield an expanded pipeline of eligible individuals applying for this form of relief.”

National Association of Criminal Defense Lawyers Executive Director Norman Reimer said: “I commend Governor Cuomo for his commitment to use his clemency power, both to commute the sentences of those who no longer pose a threat to society, and to grant pardons to those who have paid their debt to society but face lifelong challenges due to their criminal convictions. We hope that governors across the nation will follow Governor Cuomo's courageous lead.”

New York University Law School Professor Anthony Thompson said: “Thanks to the Governor for bringing together the state and the legal community in a valuable partnership. This new venture will help to provide quality representation for those individuals seeking assistance in the clemency process. Ultimately it will help qualified candidates make the case that they should be able to go home to their families, and be

released from the damaging effects of long-ago convictions.

Chair of Governor Cuomo’s Council on Community Re-Entry and Reintegration

Rossana Rosado said: “Governor Cuomo’s latest actions are in harmony with the work of our Council and show a willingness on his part to improve and reform criminal justice processes in New York State. Providing the means for qualified individuals to successfully and permanently return back to their communities is a primary goal of this Council and I am thrilled to see the Governor’s reaffirmation of this vital purpose.”

Correctional Association of New York Executive Director Soffiyah Elijah said:

“These four deserving individuals now have a chance to start anew. I am pleased to see the Governor use his clemency power to change lives, and am looking forward to the effect the new *pro bono* partnership with the legal community will have on the futures of many more individuals in this state.”

Nick Turner, Executive Director of the Vera Institute for Justice, said: “Governor Cuomo's clemency project importantly acknowledges that people in prison can and do turn their lives around. It acknowledges that our society must afford second chances. In a moment where we are all reconsidering our over-reliance on incarceration, Governor Cuomo's action should be a national exemplar, leading other executives to take similar, bold steps.”

Brenda McDuffie, President and CEO of the Buffalo Urban League said: “Thank you, Governor Cuomo, for exercising your power of clemency for these four deserving individuals. This action will bring hope to members of our community who have criminal convictions and face so many barriers. The partnership with volunteer lawyers is a particularly welcome development, as many potential candidates for this special relief need help to prepare petitions that explain their life circumstances and demonstrate how they have turned their lives around.”

Julio Medina, Founder/Executive Director of Exodus Transitional Community said: “Governor Cuomo has taken a truly transformative step today through these two commutation of sentences and two pardons. He has shown that there is room in this State for second chances. I look forward to the new partnership with volunteer lawyers, which will help more New Yorkers who have rehabilitated themselves make their case for this important relief.”

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