



**Built to Lead**

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GOVERNOR ANDREW M. CUOMO

**GOVERNOR CUOMO GRANTS FIRST-EVER CONDITIONAL PARDONS TO MORE THAN 100 NEW YORKERS CONVICTED OF CRIMES AT AGES 16 AND 17**

***First-in-the-Nation Action is offered to New Yorkers Convicted of a Misdemeanor or Non-Violent Felony at 16 or 17 Years Old and Remain Crime-Free for Ten Years***

***Governor Grants 12 Clemencies, Including Five Pardons***

Governor Andrew M. Cuomo today issued the first conditional pardons to more than 100 New Yorkers who were convicted of a non-violent crime when they were minors, and who have since lived crime-free for 10 years or more. This marks the first round of executive youth pardons since the Governor announced this [first-in-the-nation](#) action in December 2015 and is the largest number of clemencies issued in any year since taking office in 2011.

"These New Yorkers have spent at least a decade proving their rehabilitation, but have been unable to fully reenter society due to the stigma of conviction and the barriers that come with it," **said Governor Cuomo**. "New York is a state of opportunity and today, we are granting these individuals and others a second chance to live up to their full potential, provide for their families and give back to their communities. With these actions, we have taken one more step toward a more just, more fair and more compassionate New York for all."

By pardoning New Yorkers who committed crimes at a young age, the Governor is helping people who present little danger to the public while recognizing that those with an adult criminal record are often burdened with having a harder time to attain employment, get admitted to college, find housing, and become licensed in certain occupations. Pardons granted through this program are conditional, meaning that if a person defies the odds and is reconvicted, it will be withdrawn.

Any person eligible for this pardon is invited to apply through the Governor's website, [ny.gov/services/apply-clemency](http://ny.gov/services/apply-clemency). Each person will undergo a careful screening process and agency staff will make a recommendation to the Governor to grant a pardon if:

- The person was 16 or 17 at the time they committed the crime for which they were convicted.
- At least 10 years have passed since the person was either convicted of the

crime, or released from a period of incarceration for that crime, if applicable.

- The person has been conviction-free since that time.
- The person was convicted of a misdemeanor or a non-violent felony.
- The person was not originally convicted of a sex offense.
- The person is currently a New York State resident.
- The person has paid taxes on any income.
- The person is a productive member of his or her community, meaning that the individual is working, looking for work, in school or legitimately unable to work.

In addition to this general invitation to apply, the Administration has done targeted outreach to candidates for the pardon, sending letters to eligible candidates for whom contact information could be found inviting them to apply for the pardon.

The Governor's action continues his efforts to break down barriers for people with criminal convictions, which includes his creation of a Council on Community Re-Entry and Reintegration to alleviate barriers for those who have criminal convictions. This year, the Governor has accepted recommendations from the Council for executive actions, which include requiring the Board of Parole to account for an inmate's current risk to public safety when making a release decision, and prohibiting insurance companies from denying coverage to businesses seeking to hire formerly incarcerated New Yorkers.

Today's conditional pardon grant for people who were convicted as 16 and 17 year olds reaffirms the Governor's commitment to advancing the Raise the Age agenda and other criminal justice reform measures.

Last year, the Governor announced executive actions to remove minors from adult state correctional facilities, where they are likely to be victimized at higher rates, and may learn to become better criminals from older incarcerated individuals. As a result of the Governor's [Executive Order](#), the Department of Corrections and Community Supervision has transferred all female youths and all minimum and medium security classified male youths sentenced to state prison from adult facilities to the Hudson Correctional Facility.

As part of the Executive Order, DOCCS has also collaborated with the New York State Office of Children and Family Services to train staff and develop youth-based programs for younger offenders while also ensuring the safety of staff, inmates and the surrounding community. However, this is only an interim step as the Governor continues to call on the Legislature to pass his Raise the Age legislative package, which includes

provisions to seal crimes committed at a young age after a person has remained crime-free for a period of time.

The Governor also granted five pardons and five sentence commutations, as well as commuting the extraordinarily long sentences of two individuals that will now enable them to appear before the Board of Parole. These individuals have demonstrated rehabilitation and made positive strides in their lives since their criminal convictions.

### **Youth Pardons Program Update**

Today, Governor Cuomo issued the first conditional pardons under this program to 101 deserving New Yorkers convicted at age 16 or 17 of crimes including misdemeanors and non-violent felonies. All 101 recipients have proven themselves to be positive, contributing members of their communities. These pardons will remove barriers to employment opportunities.

**Governor Cuomo today issued sentence commutations to reward the rehabilitative efforts, and positive institutional records and adjustment of the following individuals:**

**Anthony Desmae**, 34, has served almost eight years of his sentence of 10 years in prison following his conviction of Robbery in the Second Degree. He has made exceptional strides in self-improvement, including earning a GED in 2014. Mr. Desmae has been very involved as a group facilitator and certified animal caretaking with the Puppies Behind Bars program, in which inmates train service dogs for U.S. veterans returning home with post-traumatic stress disorder. He has also worked as a teaching assistant in GED courses. When released, he plans to reunite with his two children, ages 15 and 11. Ultimately, he hopes to move closer to his parents in Florida and create a non-profit similar to Puppies Behind Bars for Florida State correctional facilities.

**Matthew Hattley**, 49, has served over 24 years of his sentence of 25 years to life for Murder in the Second Degree. While incarcerated, he has committed himself to helping others, leading substance abuse and aggression treatment workshops and serving as a voice for his peers in his regular columns for the Shawangunk Journal, a local paper of Shawangunk, NY. He has received many commendations and an award from facility staff and organizations. His case was handled pro bono by the Legal Aid Society and the law firm of Kirkland and Ellis through the Governor's pro bono program. Upon release, he plans to pursue a career in both heating system repair and counseling for youth at risk of criminal justice involvement.

**Charlie Lee**, 73, has served more than 13 years of a 16-year sentence and has no prior criminal history. He was convicted of Manslaughter in the First Degree in New York County in 2004 after shooting the ex-boyfriend of his girlfriend during an argument. During his incarceration he has met his primary programming requirements, including completing Aggression Replacement Training, and has demonstrated a willingness to change his behavior to positively impact others. As someone who was born in India and

became a naturalized U.S. citizen in 2004, Lee is ready to help others of different backgrounds deal with the challenges they face with language barriers. Upon his release, Lee plans to live in an adult home where he can volunteer in the community as an interpreter and re-establish connection with his family.

**Felipe Rodriguez**, 51, has served almost 27 years of a 25 to life sentence following his conviction of Murder in the Second Degree and Criminal Possession of a Weapon in the Fourth Degree. While incarcerated, Rodriguez has excelled as a devoted leader of the Catholic faith, leading worship and bible study groups as well as contributing to facility Catholic newsletters. In 2013, his religious work earned him a laudatory visit from Cardinal Timothy Dolan, the Archbishop of New York. Rodriguez is also known for using his faith to guide infamous New York serial killer, Artie Shawcross, towards atonement before Shawcross' death in 2008. Over the last 26 years, he has prepared himself for a productive life post-release by training in masonry, television and radio repair, and barbering, as well as HIV/AIDS counseling, receiving marks of high praise from his instructors in all courses. Felipe Rodriguez will reunite with his 30 year-old son, who was three years old when Mr. Rodriguez was taken into custody, and looks forward to being there for him as a father upon his return.

**Valerie Seeley**, 61, has served 15 years of a 19 to life sentence for Murder in the Second Degree after killing her live-in boyfriend. She had a documented history of domestic violence at his hands, including having an order of protection against him. She turned to the domestic violence support group Steps to End Family Violence (STEPS) before trial and has stayed active with this group throughout her time in prison. She has improved herself by working towards her high school equivalency, and taking all rehabilitative programming, including Aggression Replacement Therapy. This grandmother has a good disciplinary record, and upon release, looks forward to living with her daughter.

**Governor Cuomo today commuted the extraordinarily long sentences of two individuals, enabling them to appear before the Board of Parole within the first quarter of 2017:**

**Judith Clark**, 67, has served over 35 years of her 75 years to life sentence. On October 14, 1983, she was convicted of Murder in the Second Degree and Robbery in the First Degree in Rockland County for driving the getaway vehicle in a 1981 Brinks armored car robbery. Clark, who appeared pro se at her trial, received one of the longest sentences of her six co-defendants, the majority of whom are either deceased or no longer in custody. She received the same sentence as one of the known shooters. Her only female co-defendant, Kathy Boudin, whose participation in the underlying crime was similar to Clark's, received a 20-year minimum sentence and was paroled in 2003, and then discharged from parole supervision in 2010. While at Bedford Hills, Clark has made exceptional strides in self-development. She earned a Bachelor's Degree and a Master's Degree from Mercy College and has an extensive prison programming record including teaching pre-natal parenting courses in the Nursery Program, founding an HIV/AIDS education program, training service dogs in the Puppies Behind Bars

program, and serving as a college tutor. Further, she has maintained a perfect disciplinary record and lives in honor housing. Based on her original sentence, she would be 106 years old before she becomes eligible for parole, leaving her without an opportunity to appear before the parole board during her natural lifetime.

**Jim Whitt**, 50, has served more than 20 years of a 33 1/3 years to life sentence imposed during the late 1990s, under the harsh sentencing guidelines of the old Rockefeller drug laws. He was still a young man in his twenties when he was convicted of Criminal Sale of a Controlled Substance in the First, Second and Third Degrees, and Conspiracy in the First Degree. He is serving combined concurrent sentences that amount to 25 to life in prison, made even longer by additional shorter sentences for lesser included charges that were run consecutively. Whitt was a non-violent offender with no prior criminal record, and has not incurred any disciplinary infractions in the last 10 years. Without this commutation, he would not be eligible to appear before the parole board until 2030, when he is 63 years old. If he were charged today, rather than under the Rockefeller drug laws, he would not face a life sentence. With this commutation to the parole board we are removing the zero tolerance, life sentence punishment of the Rockefeller Drug Law era.

**Governor Cuomo today issued the following pardons:**

**DeJuan Callender**, 42, was convicted of disorderly conduct and unlicensed operation of a vehicle resulting from an incident in 2002. He has had no further criminal activity, but because of his prior criminal history he was ordered to be removed from the country in 2005 – although the order was not originally executed. For several years, Mr. Callender has worked steadily and on-the-books as a doorman for a residence in White Plains, NY, where several residents attest to his work ethic and good character. In 2015, he was placed into federal Immigration and Customs Enforcement custody based on the 2005 removal order. He has a six year-old son and wife, both of whom are United States citizens. Based on evidence of his rehabilitation, as well as the special circumstances of a pending removal from the United States, the Governor is issuing a pardon for the 2002 state offenses, which served as grounds for the order of removal. Mr. Callender will seek to reopen his removal order in immigration court, using the pardon as a changed circumstance.

**Jessica Ennist**, 33, was the subject of several convictions for Driving Under the Influence and Assault in the Third Degree during a period of heavy drinking that ultimately led her to drop out of community college. She has been sober since her last conviction in 2006, and has volunteered in substance abuse programs in jail and sponsored several young people battling addiction. She is a current PhD student at Bozeman Graduate Chemistry Department of Montana State University, aiming to become a research chemist. She has earned accolades as a young woman of color in science as a member of The SUNY Louis Stokes Alliance for Minority Participation (SUNY LSAMP), and was featured in a “SUNY LSAMP Student Success Stories” report from 2011. Additionally, she was granted a Certificate of Honor from New York State Collegiate Science and Technology Entry Program (CSTEP) in April 2010. A pardon will

allow Ms. Ennist to apply for federal research grants as a research Chemist, which she is currently unable to do as a result of her past convictions.

**Kelly Jarrett**, 64, was convicted of Murder and Robbery in the First Degree in 1977; subsequently, she was convicted of Escape in the Second Degree and Attempted Escape in the First Degree in 1979. She received an aggregate sentence of 28.5 years to life in prison. In 2005, Ms. Jarrett was released after completing her minimum 28.5-year sentence and she was released from parole supervision in 2008. Throughout her incarceration, she maintained an excellent disciplinary record and worked in the prison infirmary as a caretaker for terminally ill inmates suffering from AIDS and cancer. This compassion extended to her profession outside of prison, and for the last 13 years, she has resided and worked at the Franciscan Missionary Sisters of the Sacred Heart, a Catholic religious convent, where she cares for ill and elderly nuns. With this pardon, she plans to attend nursing school and obtain a nursing license to expand her employment opportunities.

**Anthony Papa**, 62, was convicted of Criminal Sale of a Controlled Substance in the First Degree and Criminal Possession of a Controlled Substance in the First Degree in 1985. He was sentenced under the former Rockefeller Drug Laws to 15 years to life in prison; however, after serving 12 years, his sentence was commuted by former Governor George Pataki on December 23, 1996, he was released from prison on January 23, 1997, and successfully completed parole supervision on January 25, 2002. Mr. Papa is an author and painter. He has published two books about his experience living and painting through his 12 years in prison including *This Side of Freedom: Life After Clemency* (2015), and *15 to Life: How I Painted My Way to Freedom* (2004). His artwork has been displayed in museums, including the Whitney Museum of American Art. With this pardon, Mr. Papa hopes to expand housing and employment opportunities, as well as restore his right to serve on a jury.

**Mitchell Pine**, 63, was convicted of Attempted Criminal Sale of a Controlled Substance in the Sixth Degree, for which he was sentenced to a five-year term of probation. He has since led a law-abiding life in the Fort Lauderdale area of Florida, father to 2 adult autistic sons. He volunteers much of his time at his son's autistic services center, involved in parenting workshops for fathers with autistic children and developing new technologies allowing autistic individuals to communicate more effectively. Mr. Pine will use the pardon to reopen his petition in the Florida court system to register as the legal guardian for his youngest son, age 18, so that he may manage his son's insurance and medical needs.

### **Pro Bono Project Update**

The Pro Bono Clemency project announced by the Governor in October of 2015 is underway. Volunteer lawyers from the New York State Bar Association, the Legal Aid Society of New York, the New York County Lawyer's Association, the New York City Bar Association, the Prisoners' Legal Services of New York's Pro Bono Project, and the Volunteer Lawyers Project of Onondaga County have been trained in preparing

clemency applications through a webinar program hosted by the Executive Chamber in January. Attorneys from these organizations are actively assisting individuals who are currently incarcerated in New York State prisons with their application packages. These efforts have resulted in a steady supply of high-quality clemency applications for the Governor's Office to review.

Individuals interested in applying for clemency should visit Governor Cuomo's clemency website – [www.ny.gov/clemency](http://www.ny.gov/clemency) - launched within the last year. 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.

**State Senator Brad Hoylman said:** "I heartily applaud Governor Cuomo for granting this commutation, which I have supported, and allowing Judith Clark to appear before the Board of Parole. I met Judith at Bedford Hills Correctional Facility for Women when I was first elected to the Senate four years ago and have been moved by the extent of her personal redemption and the widespread support for her clemency from within and outside the criminal justice system. Through her multitude of good works, compassion for fellow prisoners and self-improvement, Judith has more than proven that rehabilitation is indeed possible. Today's news is a sterling example of how our criminal justice system should work."

**Senator George Latimer said:** "Governor Cuomo deserves enormous credit for recognizing when someone has turned their life around and is deserving of a pardon that will remove a very real barrier to their freedom, as the case of DeJuan Callender who is facing deportation. This is a father to a six year-old child and we should not punish him, but honor his journey to rehabilitation and becoming a success story."

**Assemblyman David Buchwald said:** "Governor Cuomo has shown compassion to those worthy of his act of clemency, and such is the case with DeJuan Callender. With the prospect of deportation, the Governor has rightfully stepped in to prevent an injustice from occurring while acknowledging his rehabilitation and transformation from incarceration to a member of our community."

**Nina Morrison, Senior Staff Attorney at the Innocence Project, said:** "We are grateful that Governor Cuomo has recognized the extraordinary record of community service and dedication to others that Felipe Rodriguez has demonstrated throughout his incarceration, and which we have no doubt will continue after his release. Thanks to the Governor's compassion, he will be reunited with his family for the first time in more than twenty-six years."

**New York State Secretary of State Rossana Rosado said:** "As the Chair of the Governor's Council on Community Re-Entry and Reintegration, I commend Governor Cuomo's actions today to provide these individuals a second chance and the opportunity to return to their families and communities. We remain committed to

addressing the wide range of challenges facing formerly incarcerated people who have paid their debt to society in order to help build stronger families and safer communities all across New York.”

**Elizabeth Gaynes, President/CEO of the Osborne Association, said:** “In decades of working behind the walls, Osborne has learned that there are many men and women who, regardless of crime, have transformed their lives, pose no risk to public safety, and only desire an opportunity to make amends for the harm they caused. Those whose sentences were commuted today have taken responsibility for their crimes and have demonstrated true rehabilitation. Governor Cuomo is to be commended for his courage and wisdom in demonstrating that New York is a land of second chances, in recognizing that a system based only on punishment makes society neither safe nor just, and in affirming the possibility of redemption for each of us.

**Anne Patterson, Director of STEPS to End Family Violence, said:** “We, at STEPS to End Family Violence, want to express our profound gratitude to Governor Cuomo as he grants clemency to Valerie Seeley. Our beloved founder, Sister Mary Nerney, met Valerie shortly after she was arrested and maintained a strong bond with her until Sister Mary's death. During our agency's long relationship with Valerie, we learned about the pain she endured at the hands of her abusive partner. We also witnessed Valerie's uncommon resilience, her ability to persevere in the face of devastating loss, and her true sense of remorse. We are deeply appreciative of the Governor's recognition of the special circumstances that lead to Valerie's incarceration and celebrate his noble act of compassion.”

**Anthony C. Thompson, Professor of Clinical Law and Director of the Center on Race, Inequality and the Law at New York University School of Law , said:** “I applaud Governor Cuomo in the exercise of one of his most important responsibilities: granting clemency to these deserving candidates. While clemency can be a difficult matter, the Governor has demonstrated a careful and thoughtful approach in showing mercy and redemption for these individuals. We thank him for his courageous leadership.”

**Ronnie Eldridge, Former NYC Council Member and Director for the Division of Women under M. Cuomo, said:** “By using his power to grant clemencies to these individuals, the Governor has made a profound statement in acknowledging that people can change and become a positive force for good in their communities. This is further proof that our correctional system is not just a place to punish, but a place to reform, to rehabilitate, and ultimately to provide a better way forward.”

**Max Kenner, Founder and Executive Director of the Bard Prison Initiative, said:** “Whether it's college classes in prisons or developing youth-based programs to teach them the skills they need upon reentry, the Governor has fundamentally changed the way we approach criminal justice reform here in New York. These clemencies display an empathy that is much deserving and will make a transformative difference in the lives of these person and their families.”

**Steven Zeidman, CUNY Professor, said:** "The Governor has shown a remarkable level of empathy in his decision to commute the exceptionally long sentence of Judith Clark and giving her the chance to make her case before the Board of Parole. Whether it's gaining an education or helping others through programs offered in prison, this is a once in a lifetime opportunity for her to show the Board just how much self-development she has made."

**Seymour W. James, Jr., Attorney-in-Chief of The Legal Aid Society, said:** "We are pleased to be working with the Governors' office on clemency cases to identify worthy candidates who can re-establish their lives and again productively contribute to our New York community. Clemency has always been a fail-safe against unduly harsh punishments, particularly for those who made mistakes at a young age and have worked hard to rehabilitate themselves."

**Ann Jacobs, Director of the John Jay College of Criminal Justice's Prisoner Reentry Institute, said:** "The Governor's commutation of Judy Clark's sentence for consideration by the parole board is both principled and inspiring. It evidences the best of American values –of giving second chances, of recognizing that the measure of a person is more than the worst they have done, but what they have done to learn from their mistakes and to give back. For decades now, Judy has been a pivotal member of the community of incarcerated women who have seen needs and found creative ways of addressing them even within the confines of a prison. Judy has been an asset to the Bedford Hills Correctional Facility community and I am confident will continue to find ways to contribute to society if she is released."

**Soffiyah Elijah, Executive Director, Alliance of Families for Justice, said:** "Governor Cuomo is to be commended for his important decision to grant clemency, through commutations and pardons, to a deserving group of petitioners. His decision recognizes the importance of redemption and rehabilitation; that people should be judged by who they are today and not who they were decades ago. In the case of Valerie Seeley, a domestic violence survivor, this grant of clemency acknowledges the complex set of circumstances surrounding the life and suffering of a battered individual. This is an extremely significant step in the right direction for New York."

**Claudia Angelos, Professor of Law, NYU, an attorney who represented Kelly Jarrett in the late 1970s and 1980s, said:** "During Patsy Kelly Jarrett's long imprisonment and since her release on parole she has lived a life of extraordinary grace. The governor's grant of pardon is a true act of justice that serves all the people of our state."

**Scott Christianson, Ph.D., former New York State criminal justice official, said:** "I cannot imagine a more fitting recipient for executive clemency than Patsy Kelly Jarrett, an individual who served more than 28 years in prison, and whose life since her early discharge from parole has been exemplary and further shows that she has earned a pardon. Since her release from prison in 2005—which neither the family of the

deceased victim nor local or state criminal justice officials opposed—Ms. Jarrett has worked tirelessly to care for elderly and infirm nuns in a convent in Peekskill and a pardon will help her seek a license to provide home health care. She poses no risk and bears no animus toward anyone. She is a paragon of virtue.”

**Bennett Gershman, Professor of Law, Pace Law School and former prosecutor with the Manhattan District Attorney’s Office, said:** “I first became aware of Kelly’s case in the early 1990s and have always been struck by Kelly’s courage, perseverance, and commitment to those persons most in need of help. She has been a transformative presence in the lives of the many people she touched. Her work inside prison and after—on behalf of the vulnerable, weak, and ill—is well documented. Her goodness, humanity, and compassion have lifted the spirits and inspired hope in so many people. Kelly is exactly the kind of person for whom the act of clemency was meant to be used.”

**Abbe Smith, Professor of Law, Director, Criminal Defense & Prisoner Advocacy Clinic, Georgetown University Law Center, and Kelly Jarrett’s lawyer, said:** “Clemency is meant for the most extraordinary and deserving individuals that dedicate their lives to the greater good. After spending nearly 30 years in prison, Patsy Kelly Jarrett has continued to live a life of service on the outside. Everyone whose life she touches is the better for it—and she will now be able to care for more elderly and ailing people without the impediment of a criminal record. I could not be more grateful to Governor Cuomo for exercising his executive power for such a worthy person.”

**Michael Cordozo, former President of the New York City Bar Association, former New York City Corporation Counsel under Mayor Bloomberg, and longtime practicing lawyer, said:** “I am delighted that the Governor has chosen to exercise his clemency power in this major pursuit of justice. Given the overwhelming facts surrounding Judith Clark, I applaud him for making this decision.”

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