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*****FOR IMMEDIATE RELEASE*****

Legal Aid Files Clemency Applications on Behalf of 20 Incarcerated New Yorkers - Many of Whom Have Upcoming Release Dates or are Especially Vulnerable to COVID-19

(NEW YORK, NY) – **The Legal Aid Society**, in light of the quickly escalating public health crisis that the COVID-19 pandemic has triggered within New York State prisons, has recently submitted 20 applications seeking emergency clemency from New York State Governor Andrew Cuomo and will continue to submit such applications on behalf of clients incarcerated in state prisons. Legal Aid has asked for expedited review of these applications and has asked that the Governor effectuate the immediate release of these individuals.

"As a group, these individuals are particularly vulnerable to the devastating effects of COVID-19 or are close to the point at which they would otherwise be entitled to release. Releasing these individuals from prison will drastically diminish the risk that they will be exposed to the coronavirus. In addition, by reducing the prison population, the release of these individuals and others like them will also allow DOCCS to effectuate more appropriate social distancing procedures for those who remain in their charge," said **David E. Loftis, Attorney-in-Charge of Post-Conviction Litigation at The Legal Aid Society.**

In a series of requests and legal maneuvers, The Legal Aid Society has asked Governor Cuomo to release incarcerated people who are particularly vulnerable to the virus or nearing release date pursuant to any number of his executive powers—clemency is just one.

JS is a compelling example of the individuals for whom the Society is seeking clemency. JS is serving a 6 ½ year sentence for a crime he committed as a teenager, and he is now less than five months away from his conditional release date when he would otherwise be released. From birth, he

has suffered from severe asthma putting him at exceptionally high risk of serious illness or death if he exposed to the coronavirus. If released, JS will live in the safe environment of his mother's apartment, and he has already lined up re-entry services to pave the way for a smooth return to his community.

Article 4 of the New York State Constitution grants Governor Cuomo wide- ranging clemency power, and allows him to issue executive orders commuting sentences and invoking his emergency powers. New York Executive Law § 15 lays out Governor Cuomo's authority to commute sentences. New York Executive Law Article 2-B delineates the Governor's authority to suspend the enforcement of state laws in an emergency. California Governor Gavin Newsom has invoked similar provisions to grant clemency to 26 Californians susceptible to COVID-19. In addition, the Governor has the authority to suspend the requirements of these laws under any provision he deems necessary.

The Governor must pursue multiple avenues to immediately release from custody those who are most vulnerable to the devastating effects of COVID-19 and to reduce the density of New York State prisons so that the remaining individuals in custody can be kept safe. Granting clemency is one powerful tool that the Governor has at his disposal to provide immediate relief.

[Clemency application #1](#)

[Clemency application #2](#)

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The Legal Aid Society exists for one simple yet powerful reason: to ensure that New Yorkers are not denied their right to equal justice because of poverty. For over 140 years, we have protected, defended, and advocated for those who have struggled in silence for far too long. Every day, in every borough, The Legal Aid Society changes the lives of our clients and helps improve our communities.

<https://www.legalaidnyc.org>