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

***Legal Aid and Kasowitz File Lawsuit to Free 9 Clients Incarcerated at NYS Prisons; New Yorkers Who Have Upcoming Release Dates or are Especially Vulnerable to COVID-19***

(NEW YORK, NY) – **The Legal Aid Society and Kasowitz Benson Torres LLP**, in light of the quickly escalating public health crisis that the COVID-19 pandemic has triggered within New York State prisons, filed a [petition](#) for a writ of habeas corpus today on behalf of 9 clients seeking their immediate release from facilities in Westchester County. This litigation comes only a week after Legal Aid called on the New York State Department of Corrections and Community Supervision (DOCCS) demanding the immediate release of these clients. That communication went unanswered. The petition was drafted with the pro bono legal assistance of attorneys from Kasowitz Benson Torres LLP.

The state prison system in New York has not been spared from COVID-19. As of April 14, 2020, DOCCS reports that 618 staff members, 150 incarcerated people, and 23 parolees in DOCCS custody are infected. One staff member, four incarcerated people, and four parolees have already succumbed to the virus. A person incarcerated at Sing Sing, a prison in Westchester County, was the first person to die from the virus in a New York State prison.

The lawsuit seeks the immediate release of these clients from prison on the grounds that continuing to incarcerate them under these unprecedented conditions constitutes deliberate indifference to a risk of serious medical harm, and imposes upon them punishment that is grossly excessive and grossly disproportionate to their offense, in violation of the Eighth Amendment to the United States Constitution and Article I, Section 5 of the New York State Constitution.

"Release is the only effective means to protect the people with the greatest vulnerability to COVID-19 from transmission of the virus, and allows for greater risk mitigation for all people who remain held or working in New York State prisons," said **Tina Luongo, Attorney-in-Charge of the Criminal Defense Practice at The Legal Aid Society**. "Governor Cuomo and DOCCS still have a chance to protect people incarcerated in state prisons by releasing the most vulnerable – anything less would demonstrate an utter lack of compassion and would be inconsistent with the State's goals of reducing the spread of this disease. New York abolished the death penalty more than a decade ago but many New Yorkers incarcerated at these facilities now essentially face a death sentencing as COVID-19 spreads and continues to claim lives. We look forward to securing these peoples' immediate release in court."

"Kasowitz Benson Torres is extremely gratified to have the opportunity to work with Legal Aid in protecting these highly vulnerable clients from the danger of COVID-19, which is such a growing problem throughout our prison system," said **David J. Abrams, Partner of Kasowitz Benson Torres and Chair of the firm's Pro Bono Committee**.

**Petitioner George Martinez** is a compelling example of the individuals worthy of immediate release. Mr. Martinez is 59 years old and has been diagnosed with Chronic Obstructive Pulmonary Disease ("COPD"), advanced Type II diabetes, and hypertension, among other conditions. He is therefore at high risk of serious complications or death if he contracts COVID-19. DOCCS has designated Mr. Martinez as "Medical Level #1" – the highest level in the DOCCS system. Mr. Martinez takes 11 medications daily to address his health needs.

Mr. Martinez will live with his son's family in the Bronx upon his release. He has good prospects for employment as he holds a Qualifying Certificate in Food Protection from the New York City Department of Health, which qualifies him to act as a supervisor in a food establishment in New York City. Mr. Martinez completed an Adult Basic Education course and is currently working towards earning his High School Equivalency Diploma. He also successfully completed numerous programs, including the Pro-Social Development and ASAT programs. He worked as a restaurant manager and cook prior to his incarceration and kept up with his cooking and food management skills by volunteering to cook for events at Sing Sing.

Mr. Martinez has served 14 years of a 17.5-years-to-life sentence for Burglary in the Second Degree and Criminal Possession of Stolen Property in the Fourth Degree. He has no history of violence, and his record in prison demonstrates that he poses no threat to public safety. His exemplary behavior while in prison and his close ties with his family qualified him to participate in the Family Reunion Program with his son and his granddaughters.

**Petitioner Sandra Lawson** is 61 years old and diagnosed with Type II diabetes and hypertension. She is therefore at high risk of serious complications or death if she contracts COVID-19. Ms. Lawson was first diagnosed with Type II diabetes four years ago when she was admitted to St.

Luke's - Roosevelt Hospital in Manhattan for seven days with Legionnaire's Disease. She currently takes metformin on a daily basis to control her condition. Additionally, she takes Losartan for hypertension, Atorvastatin for high cholesterol and Propranolol for migraines so severe they cause blurry vision. In addition, she was recently placed on a 24- hour heart monitor after a recent routine wellness checkup, which revealed that she had an abnormally elevated heart rate, a condition she is continuing to monitor. Ms. Lawson has significant family support and a strong reentry plan. Upon her release, Petitioner Lawson plans to live with her father in Georgetown, South Carolina. To facilitate her release directly to South Carolina, she has applied for an out-of-state transfer of parole under the Interstate Compact and is awaiting approval.

In the event that her out of state transfer approval is not secured before her release, she can stay with a family member in Manhattan, where she was living prior to her incarceration. Petitioner Lawson's sister lives in New York City and will ensure that Petitioner Lawson has a smooth transition if she is released to parole in New York.

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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>

*Kasowitz Benson Torres LLP is a leading national law firm with a core focus on commercial litigation, complemented by strong bankruptcy/restructuring and real estate transactional practices. Kasowitz is known for its creative, aggressive litigators and willingness to take on tough cases. The firm has extensive trial experience and is always trial-ready, representing both plaintiffs and defendants in every area of litigation. Kasowitz is committed to pursuing aggressive and innovative approaches to its clients' most challenging legal matters. [www.kasowitz.com](http://www.kasowitz.com)*