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

Legal Aid Files Clemency Applications on Behalf of 40 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, recently submitted 40 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.

“It’s imperative that Governor Cuomo and DOCCS take decisive action to grant release for those incarcerated New Yorkers especially vulnerable to COVID-19,” said **David Loftis, Attorney-in-Charge of Post-Conviction Litigation at The Legal Aid Society**. “All of these individuals’ conditions warrant this immediate relief, especially as COVID-19 grows exponentially at prisons around New York State infecting our incarcerated clients and correction staff alike at an unprecedented rate.”

According to DOCCS, as of April 26, 2020, 296 incarcerated New Yorkers have tested positive for COVID-19. Seven people in DOCCS’ custody have died from the virus.

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.

AB is a compelling example of the individuals for whom the Society is seeking clemency. AB is immunocompromised and has at least four separate medical conditions that put him at the very highest risk of serious illness or death from COVID-19. He is HIV positive with a low T cell count

and has kidney failure requiring dialysis, as well as uncontrolled asthma, a heart murmur, and high blood pressure. There are less than six weeks left in his prison sentence, after which he will live with his mother. Given his very fragile health, contracting COVID-19 is a likely death sentence. He should thus be released immediately to live with his mother instead of incarcerated needlessly for an additional six weeks.

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](#)

[Clemency application #3](#)

[Clemency application #4](#)

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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.

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