

Dear Governor Hochul,

We write to urge you to immediately commute Reginald Randolph's sentence of 2-4 years prison so that he can be released into supportive housing and intensive community treatment programs that are prepared to take him now.

Mr. Randolph is 59, disabled, and was incarcerated at Rikers Island for over 850 days for stealing NyQuil from Duane Reade in violation of a no-trespass order, and failing to complete Manhattan Drug Court. Mr. Randolph's charge did not involve an act of violence, brandishing a weapon, or making threats. It was simply stealing cold medicine.

Mr. Randolph's health is extremely poor. According to medical records provided to our offices by his defense counsel, Mr. Randolph is fully blind in one eye and is close to blindness in the other due to cataract and glaucoma conditions. This means that Mr. Randolph struggles daily in prison, where he was transferred last week, with zero vision in one eye and blurred vision in the other. He needs vision-saving surgery, and he has attended pre-operation ophthalmology appointments at a local hospital while detained at Rikers Island. Mr. Randolph is also extremely medically vulnerable, with diagnoses of chronic obstructive pulmonary disease, diabetes, asthma, and a history of tuberculosis—all of which make him, according to medical experts, highly susceptible to serious illness or death. He is also at the highest risk of COVID-19 related complications should he be so unfortunate to contract the virus. He has used a walking device since March 2021 following a fall in the shower due to his failing vision, however that device was reportedly taken from him after his transfer to state prison. Mr. Randolph struggles with serious mental illness which has exacerbated his daily trauma in jail.

Mr. Randolph's prosecution was extraordinarily abusive. According to court records, when Mr. Randolph was arrested for shoplifting in this matter in 2018—even though such conduct is normally considered a misdemeanor—the Manhattan District Attorney's Office chose to charge him with a felony based on a sentence enhancing provision in the penal code. The prosecutor was not required to enhance his charges.

In recognition of the unfairness of cases like Mr. Randolph's, incoming Manhattan DA Alvin Bragg has pledged not to prosecute shoplifting charges as felonies, however this is little consolation for Mr. Randolph who has already served over 850 days in jail.

Notably, had Mr. Randolph been arrested for stealing NyQuil in 2020, rather than 2018, his charge would have been classified as a "non-qualifying" offense for bail purposes under the New York Bail Elimination Act and he would have been immediately released. Instead, Mr. Randolph was caged at Rikers Island for more than 14 months before being released to drug treatment, only to be reincarcerated after he left the program and relapsed.

During his time at Rikers, Mr. Randolph was denied basic human dignity, removed from his family and loved ones, exposed to violence, and received grossly inadequate medical treatment. This mistreatment has continued following his unfortunate transfer to state DOCCS last week. Committing him to prison punishes Mr. Randolph with excessive incarceration, and needless parole supervision for stealing NyQuil. Most importantly, he will be released into the New York City shelter system depriving him of the supportive housing and community programming that is in place for him right now. This is a recipe for continued homelessness, instability, and continued cycling in and out of the criminal legal system, something that is not in anyone's interest.

Mr. Randolph's father died when he was just 3 years old. During his childhood an adult family member exposed Mr. Randolph to drugs and was extremely physically abusive to him, his mother, and siblings. He witnessed the family member injecting heroin and physically assault Mr. Randolph's mother. Mr. Randolph's family re-located from their two-family home in Queens to a shelter in the Bronx and eventually to the Butler Housing Projects. It was then, Mr. Randolph reports, that his life spiraled out of control as he struggled to survive poverty and crime that plagued his neighborhood. Mr. Randolph quickly fell into a delinquent peer group and arrested at a young age. He stopped attending school after the eighth grade and began drinking alcohol and smoking marijuana. By the age of 19, Mr. Randolph reports that he was using cocaine, LSD, PCP, and opiates. He had no formal education beyond the 8th grade and quickly amassed a lengthy criminal record. At the time of his arrest, Mr. Randolph was homeless, a status that he's suffered since his mother's death in 2001.

According to Dr. Alexander Bardey, who submitted a letter to you about Mr. Randolph: "It goes without saying that Mr. Randolph is by no means medically stable and he is in fact in significant risk of worsening his medical condition. Mr. Randolph's continued wellbeing relies on ongoing multivariate care including medications, medical interventions, support and a hope that carceral conditions will not exacerbate his already precarious state. In an environment like Rikers Island or a DOCCS facility, the risk of a sudden, catastrophic outcome is increasingly likely for Mr. Randolph. The added risk of remaining in a jail setting, places Mr. Randolph in an even more precarious state and exposes him to medical complications which will surely cause him full blindness, serious illness or death."

In commuting Mr. Randolph's sentence and allowing him to avoid the possibility of serious illness, medical decline, and possibly death in our state prison system, you will be acknowledging that Reginald Randolph's life matters.

Very sincerely,



Jessica Ramos
New York State Senator
District 13



Gustavo Rivera
New York State Senator
District 33



Julia Salazar
New York State Senator
District 18