

Testimony By Stephen Brathwaite
Before the New York State Senate
Committee on Crime Victims, Crime, and Correction
Hearing on How the Elderly Parole & Fair and Timely Parole Bills
Will Improve Parole Release Laws and Public Safety.

I have been in prison for almost 31 years for a crime I did not commit or had any involvement in. The new Conviction Integrity Unit in Queens County has been re-investigating my claims of innocence for the past two plus years.

Much to my misfortune, I have served my entire sentence. If I am granted Limited Credit Time Allowance (LCTA) I will be eligible to appear before the parole board in January. Despite my circumstances and rough start, I managed to make good use of my time while incarcerated. I have completed all recommended therapeutic programs, participated, and received certificates for almost every volunteer program offered in the Department of Corrections. I also have two degrees, an Associate's, and Bachelor's in Behavioral Science in which I graduated Cum Laude. Unfortunately, because these progressive and necessary bills, such as the Elder Parole & Fair and Timely Bill are not law, as an innocent man I am compelled to deal with and confront the very threat of the parole board that the Fair and Timely Bill is intended to address.

The current unwritten policies of the parole board are punitive and retributive policies. Thus, people who become eligible for parole release particularly, people like myself who are innocent, eligible and have also demonstrated their eligibility through rehabilitative measures are forced to contend with the nature of the crime that of which does not change and of which people were sentenced.

Sadly, I have to deal with the potential denial of release due to the parole board's systematic and infamous response "criminal history" and the "nature of the crime." A crime, mind you, that I did not commit. In addition, I also have to contend with not "admitting guilt." Another systematic way to arbitrarily and capriciously deny release despite the steps, commitment, and investment one has undertaken to address his/her shortcomings.

Again, I have done everything the state has asked of me and I have engaged in programs for my own self-development and benefit. There is no reason for my stay in here to be prolonged. I have demonstrated that I am definitely not the same person that entered prison and I have earned the right for a Fair and Timely Parole release.

I plead with the members of the Senate & Assembly and urge this body to push for the passing of the Elder Parole & Fair and Timely Parole Bill as it is a common sense and reformatory legislation that will serve to change the culture of prison and inspire a large segment of the incarcerated population to better themselves.