

December 7, 2022

**TESTIMONY BY JONATHAN SMITH**

**BEFORE THE NEW YORK STATE SENATE COMMITTEE ON CRIME VICTIMS,  
CRIME AND CORRECTIONS HEARING ON HOW ELDER PAROLE AND FAIR AND  
TIMELY PAROLE BILLS WILL IMPROVE PAROLE RELEASE LAWS AND PUBLIC  
SAFETY IN NEW YORK STATE**

My name is Jonathan Smith. I am 38 years old, and I have been incarcerated for the past 17 years. Throughout my years in prison, I have hoped for a bill to get passed that would allow me to get home earlier than scheduled. The myth of September kept my hopes alive. When rumors of bills passing began to circulate, as they often do in here, it was in "September" when things were supposed to go into effect. That bill has not come yet.

I was recently informed about two bills: Fair and Timely Parole and Elder Parole. Neither of these bills apply to my situation. I have a determinate sentence, which means I have a conditional release date that will allow me to reunite with my family and loved ones next year. Thankfully, I do not have to rely on a Parole Board decision.

Even though these two bills do not affect me, there is a person I know who would really appreciate if these bills were passed. His name is Gerald Smith. I know him because we have been attending religious services together for a while now. Mr. Smith is well into his sixties, I believe he is 66 years old. Mr. Smith has been in prison since before I was born, remember I am 38, and he still has ten more years before he sees his first parole board. This doesn't make any sense to me. Gerald is such a positive person. He mentors the young guys as he still holds onto hope that he will make it home to his aunt. She is the only family member that is still alive. Mr. Smith hopes and prays that he can make it home for her before she passes.

I have been inspired to write this letter for Mr. Gerald Smith because he has changed my life. I used to complain all the time about having a 20-year sentence, but after witnessing Mr. Smith's peaceful demeanor, his positive attitude, and his welcoming smile I couldn't complain anymore. I began to see the world differently. I believe Mr. Smith is so hopeful because he has genuine remorse and regrets what he did to come to prison. He talks often about wanting to be a community leader in a positive way when he goes home. His faith in God is strong and it guides him today. I know he feels horrible about the damage he caused by committing his crime. Mr. Gerald Smith poses no risk to anyone in the community today if he were released. If you ask me, he will be just as beneficial out there as he is within this incarcerated community. If he can inspire me and others like me, he can do it for those who need a mentor before they commit a

crime. He can have a great impact. Right now Gerald is in the hospital again. He often goes out to the hospital, but I do not know exactly what his ailments are.

People like Gerald Smith are being held in prisons all over the state. There are so many people in prison who will spend the rest of their lives in here without much hope of being given a second chance. This is why the Elder Parole and Fair and Timely Parole bills need to be passed. Our communities deserve to give these transformed human beings a chance to help improve our public safety. They can come home to inspire our conflicted younger generation. I know many Gerald Smiths that have the capability to do that. Please pass the Elder parole and Fair and Timely parole bills.

Thank you for reading my testimony.

Sincerely,

Jonathan Smith