

August 16, 2021

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Pamela Smart's Petition for Commutation

I, Pamela Smart, hereby petition the Executive Council of the State of New Hampshire for a hearing on this petition and the Governor of New Hampshire for commutation of sentence as set forth below and in the accompanying memoranda.

TABLE OF CONTENTS

TABLE OF CONTENTS.....	i
I. Introduction.....	1
II. Ms. Smart Has Expressed Deep Remorse For Her Actions And Committed Her Prison Sentence To Furthering Her Education And Bettering Herself So That She Can Enrich The Lives Of Others.....	9
III. Ms. Smart Has Matured And Evolved Spiritually And Emotionally Over The Past 31 Years.	19
IV. Ms. Smart Has The Temperament And Skills To Succeed Professionally And Has Been Offered Employment Post-Incarceration.	22
V. Conclusion	26

I. Introduction

Since being imprisoned, Pamela Smart has accepted responsibility for her role in Gregg Smart's murder, expressed deep remorse and anguish concerning her conduct, and seeks a commutation so she can attend to her aging parents and contribute her skills and talents to society.

Despite being sentenced more than thirty years ago, at age 22, to life without the possibility of parole—a legislatively mandated sentence many would consider to be without hope—Ms. Smart has matured and improved herself working hard to increase her education and deepen her personal insights. She diligently pursued and obtained multiple degrees: Master of Science in Law, a Master of Fine Arts in English Literature, and a Doctorate in Biblical Studies. Currently, she is enrolled in a Master of Professional Studies program.

Especially admirable is the work ethic Ms. Smart has demonstrated repeatedly through the rigor of her studies and in amassing practical skills to help others. Through extraordinary dedication, she has motivated and aided generations of inmates in their schoolwork, legal matters, self-awareness, and pastoral pursuits.

Her exceptional mentoring and tutoring included a full range of educational objectives: pre-GED; GED; and college students seeking an Associate's, Bachelor's, or Master's degree—all of whom have benefited from Ms. Smart's enthusiasm, pedagogical prowess, and intellect.

More broadly, Ms. Smart successfully promoted an initiative to bring back a college program for prisoners, previously cut due to the elimination of PELL grants.

Moreover, Ms. Smart was a principal researcher and author of a published report on the impact of college on women in prison. Prisons nationwide have since used this report and the model programs established at Bedford Hills Correctional Facility ("Bedford Hills") to develop their own college-level programs.

Ms. Smart is uniformly respected as a person of patience and compassion. She has embraced and worked with underserved and stigmatized segments of the prison population—particularly those with mental illnesses, special needs, and women living with HIV and AIDS. Her advocacy work on behalf of these women helped create changes in perception, acceptance, and empowerment. **Dr. Eleanor Pam**, who served as Ms. Smart’s academic mentor for two of her Masters Degrees, observed: “As a consequence of our special relationship, I have grown to know and respect her as an extraordinary human being with prodigious gifts of intellect and character. From personal observation, as well as [the] consensus formed by staff and fellow inmates, Ms. Smart has been, and continues to be, a consistently positive force at Bedford Hills. Keen intelligence, natural leadership, creativity and her humane spirit have inured to the good of the facility and enhanced the lives of those who are in its care and custody. . . . [I]n my view, Ms. Smart represents the soul of Bedford Hills”¹

Through Ms. Smart’s spiritual and religious pursuits while in prison, she has learned to reflect on who she was in her past, who she is in the present, and who she wants to be in the future. This led to her becoming an ordained Minister.

Ms. Smart’s achievements have not come easily or without pain and struggle. She has had to overcome seemingly insurmountable obstacles that were completely outside of her control. As a celebrity inmate, Ms. Smart drew substantial unwanted attention from her earliest time in Bedford Hills. She was the victim of serious discrimination and outright abuse. For example, in October 1996, Ms. Smart was brutally beaten by two inmates, and suffered an orbital fracture and nerve damage resulting in the surgical implantation of a plastic plate in her face and permanent

¹ Appendix A at A-75, Letter from **Eleanor Pam**, PhD (academic mentor).

loss of feeling on the left side of her face.² Separately, in 2003, a corrections officer sexually assaulted Ms. Smart and threatened her and her family's lives if she disclosed the sexual assault, saying he knew where her parents lived. This officer then forced Ms. Smart to pose seductively in her cell as he took pictures as "insurance" of her silence. He later sold these pictures to the National Enquirer with an accompanying false story which put a negative light on Bedford Hills and Ms. Smart, prompting discipline charges against her and her immediate placement in solitary confinement. Ms. Smart ultimately was cleared of all wrongdoing in the events and received a favorable settlement from the prison in recognition of her innocence, despite the ongoing adverse publicity which followed. The traumas from this experience are enduring.³ These events do not even convey the more subtle and constant harassment Ms. Smart has periodically experienced throughout her time at Bedford Hills. In spite of these experiences, Ms. Smart has deepened her resolve to remain on a path of self-improvement and service to others.

² Jim Fitzgerald, *2 Inmates Guilty of Beating Pamela Smart*, SOUTH COAST TODAY (Dec. 5, 1997), available at <http://www.southcoasttoday.com/article/19971205/News/312059971> (last updated Jan. 11, 2011).

³ See *A Violation Behind Prison Walls? Inmate Pam Smart Sues Jail and Guard for Sexual Assault*, MSNBC (Feb. 13, 2006), available at http://www.nbcnews.com/id/11325793/ns/msnbc-rita_cosby_specials/t/violation-behind-prison-walls/#.WGWAPlMrKUk; Associated Press, *Pamela Smart Gets Settlement over Prison Pictures*, STATEN ISLAND REAL-TIME NEWS (Nov. 5, 2009), available at http://www.silive.com/news/2009/11/pamela_smart_gets_settlement_o.html.

Pamela Smart's Letter to the New Hampshire Governor and Executive Council

My name is Pamela Smart. I am also known as inmate X93G0356. I was only 22 years old when I was first incarcerated. I have now spent over 31 years in prison—more than half my life.

I apologize to the entire Smart family, my own family, and all who were directly or indirectly impacted by my actions and misjudgment. For many years, I blamed others for my incarceration because I was immature, selfish and proud. I refused to see my own role in Gregg's death and instead referred blame elsewhere. It took years, even decades, for me to accept responsibility and I must carry that burden, alone and deservedly, for the rest of my life recognizing that the pain and suffering I have caused are irreparable. This burden is something I can never—and should never—be free of, because my actions have forever changed the course of many lives, including my own.

I have worked hard to redeem myself through good works and to positively affect the lives of those around me, striving to be more than my worst mistakes and behaviors. Some of these efforts are reflected in the resume attached to this petition, as well as letters attesting to my character and achievements. They chronicle how I spent the last three decades in prison and provide additional perspectives about who I am. I take no credit for my accomplishments; I have earned nothing on my own. Only God and the extraordinary people He sent to guide me are responsible for both my survival and growth.

In seeking a deeper, more personal relationship with God, my faith increased over the years, as did my willingness to confront my character defects and accept the nurturance of a dedicated array of teachers and ministers who have come to Bedford Hills. The process was slow, very slow. Thankfully, I serve a patient God who meets us where we are and takes us where we need to be. He has put many leaders of different faiths in my path who encouraged me, changed me, and loved me along the way. They showed me that I needed to look backwards in order to go forward. I needed to face who I was and what I did in order to become who God wanted me to be.

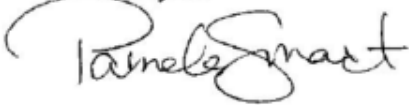
My journey in prison has been humbling and instructive. The shame, humiliation and loss of freedom are ever present. They have been accompanied by significant traumas resulting in chronic physical pain. I was brutally beaten by inmates and sexually assaulted by a corrections officer. These episodes have left permanent, emotional, physical, and psychological scars. But despite the fact that I have a mandated life sentence without parole, I have strived to live a life in prison that can overcome the inevitable despair and loss of hope such a judgment brings. I have tried to create hope in my own life and in the lives of so many others. I try to live my life in prison in a way that has both meaning and purpose and overcomes the hopelessness of my sentence.

I am no longer the naïve, self-centered and immature 22 year old I was three decades ago. Today, my relationship with God comes first and guides me in all areas of my life. I know there is nothing that can recompense a life lost through a senseless crime. There is no universal measuring stick that calibrates when enough punishment is enough. Yet, our faith also instructs us that there is forgiveness and there is mercy.

Thus, I do not come from a place where I can say I “deserve” a commutation of sentence. What has tormented me for three decades, however, is not only the horrible and undeserved murder of my husband, Gregg, but knowing that my aging parents who are in declining health are suffering because of my poor judgment and inexcusable acts. For the entirety of my life I have had the blessings of their love, the example of their loyalty and the inspiration of their faith. These have sustained me throughout the long, long years of my incarceration—a sentence they are serving alongside me in unbearable shame and humiliation. They do not deserve, nor have ever deserved, such a painful and devastating burden. I have deprived them of the joys of being grandparents and the comfort of my care in their declining age.

It is my hope that one day, in freedom, I can spend the rest of their remaining years making amends for everything they have lost because of me. In the same vein, my debt to society also demands massive restitution and a commitment, not just to being good—but to doing good. I pledge to do so with all my heart. I will not let you or the Executive Council down. I place my plea before you asking that justice be tempered with mercy and compassion in light of who I am today.

Thank you.

A handwritten signature in cursive script that reads "Pamela Smart". The signature is written in dark ink and is positioned below the "Thank you." text.

Pamela Smart

Letters of support accompanying this Petition show that Ms. Smart is a role model to her peers. Currently serving in her seventh term as the elected Inmate Grievance Representative, her fellow inmates have repeatedly chosen her as their advocate and representative. She works with corrections and civilian staff daily, including correctional officers and others at all levels of Administration, to effectuate acceptable grievance resolutions. Her behavior, leadership, and character have earned her housing in the Earned Housing Unit honor floor program, which resulted from the recommendations and approval of staff, the facility superintendent, and the DOCCS' Commissioner.

Elaine Lord, long-serving and highly regarded Superintendent of Bedford Hills (c. 1984–2014), where Ms. Smart has been housed since 1993, has written to support Ms. Smart’s petition and to recommend consideration of her release⁴:

March 20, 2021

Letter of Support for Sentence Commutation for Pamela Smart

The Honorable Chris Sununu, Governor of New Hampshire
Office of the Governor, State House
107 North Main Street
Concord, NH 03301

Dear Honorable Governor Sununu:

I am writing this letter in support of the sentence commutation application for Pamela Smart who is incarcerated in the Bedford Hills Correctional Facility in New York State. I was the Superintendent (Warden) of Bedford Hills from 1984 until my retirement in 2004. I knew Ms. Smart from the time she arrived in Bedford Hills until I retired.

Ms. Smart has completed many self-improvement programs while incarcerated (detailed in her commutation packet) and is a very intelligent person who remains involved and dedicated to her own improvement. When I look back, or when I speak to other women who have been released, I also know that Ms. Smart has helped many women who struggled to earn their ABE or GED credentials. She helped other incarcerated women to understand, write or respond to legal documents. To these women, she gave much of her time and was patient and supportive.

I am also aware that since my departure she has earned Honor Floor housing, and that she has served as a representative and president of the Inmate Liaison Committee, a highly regarded committee that meets on a regular basis with prison administration. Ms. Smart is currently serving as an elected Inmate Grievance Representative.

Ms. Smart has been incarcerated for over 30 years and is over 50 years old. In her early 20s, she received a sentence of life without parole. This sentence fails to recognize that people who are incarcerated for many years mature, change, and set goals for themselves. I believe Ms. Smart is one of those people. In addition, studies have shown that incarcerated people who serve long sentences have an increasingly smaller risk of recidivism.

After nearly 22 years as the Superintendent of the Bedford Hills Correctional Facility, after almost 30 years in corrections, and after my ongoing involvement in Hour Children, a New York based organization that serves the needs of formerly incarcerated women, I have come to believe that every inmate serving a long sentence deserves to have consideration for possible release based on the time they have served and what they have done with their lives while in prison. On a very pragmatic level, this practice reduces the burden of elderly inmates remaining on the public coffers. On a more philosophical level, it leads us to ask as a society what constitutes enough punishment. What does a life sentence achieve for the incarcerated person or for society? If in fact we incarcerate people in order to prevent them from committing other crimes, then the studies showing reduced recidivism as inmates age justify considering revisiting Ms. Smart’s sentence. If we incarcerate people in order for them to be punished for their crime

⁴ Appendix A at A-54. At Ms. Lord’s request her home address has been removed from the letter as it appears in this petition.

and to be “reformed,” then it is fair to argue that 30 years represents “fair” punishment and that Ms. Smart’s contributions to her own self-improvement and the improvement of others constitutes reformation.

I grew up in New Hampshire, attended the University of New Hampshire, and my family still resides in Dover. I know the terrible impact Ms. Smart’s crime had on the community and the state. My sister, a school counselor, followed the trial closely and initially, she was comfortable with the sentence rendered to Ms. Smart. However, she and so many other family members and friends from New Hampshire, whenever I visit, talk to me about the fact that Ms. Smart is still in prison. I watch them and listen to them as they think back to the horrendous crime, but then as they do the math and realize no sentence, no amount of time, can atone for the senseless loss of life that occurred, they begin to ask themselves what purpose is being served by keeping Ms. Smart incarcerated for the rest of her life.

I asked myself this question every day of my professional career with the State of New York’s Department of Corrections, and I continue to ask it as I work with formerly incarcerated women when they are released. Ms. Smart has grown old in prison. She is no longer the “vixen” the press labeled her. She has been living in a New York prison with people who are very different than she: far less privileged, far less educated, far less able to handle being away from their families, far less mature, far less capable of navigating life in a maximum-security prison. She has helped them with patience and kindness; she did this when I was superintendent, and she continues to do this. I’m not sure what else we can ask of prisoners as we try to decide what should become of them.

I hope that you will allow Ms. Smart to be at least considered for release. Thank you for taking the time to read my letter.

Sincerely,



Elaine A. Lord,

Superintendent (retired)

Robert Dennison, the former chairman of the New York State Parole Board, who has spoken with Ms. Smart on several occasions, “strongly support[s] her petition.”⁵ He noted that her remorse is genuine and that she is an educated and compassionate person who has helped many people.⁶

⁵ Appendix A at A-120, Letter from **Robert Dennison** (former New York State Parole Board Chairman).

⁶ *Id.*

Dr. Joel Trenkle, D. Min., at the Christian Leadership University who guided Ms. Smart as she worked towards her doctorate, has mirrored these sentiments: “Ms. Smart demonstrated over and over that she is in love with the Lord Jesus and she has a firm desire to serve Him. This is evidenced by her work with other women in prison as well as her work with the ministry staff at the prison. I believe there is a time when an impartial assessment needs to be made regarding the sentencing of any individual, not necessarily based upon the evidence at the time of the crime, but based upon the evidence of a life changed, a life with a future based upon a repentant and forgiving heart. That person, with these qualities, would be a natural benefit and asset to society, I honestly believe Ms. Smart is just such a person.”⁷

Allen Severance, who lived in New Hampshire throughout the media circus before and during Ms. Smart’s trial, once thought Ms. Smart was guilty and detested her because of the public reporting. He now supports her commutation petition. He says that he came to this position after reading and analyzing the opposition to her 2018 Petition submitted by the New Hampshire Attorney General, which he found wanting.⁸ New Hampshire residents, many of whom signed a petition on Ms. Smart’s behalf, likewise feel that Ms. Smart’s commutation petition should be granted because of the injustice created by the sentencing disparities, as all the men who committed the murder have now been paroled.⁹

⁷ Appendix A at A-77, Letter from **Dr. Joel N. Trenkle** (Christian Leadership University Instructor).

⁸ *E.g.*, Appendix A at A-99, Letter from **Allen Severance** (New Hampshire resident).

⁹ *See* Petition Form and Materials in Support of Pamela Smart’s Petition for Commutation of Sentence (Feb. 26, 2018), Appendix A at A209–A258.

II. Ms. Smart Has Expressed Deep Remorse For Her Actions And Committed Her Prison Sentence To Furthering Her Education And Bettering Herself So That She Can Enrich The Lives Of Others.

Ms. Smart's educational pursuits have not been selfish. Rather, as many on the prison staff have acknowledged, Ms. Smart has been "using her two Master's degrees obtained while incarcerated, to help others further their education."¹⁰ K. Milkowski, Transitional Services Coordinator and RTA Staff Advisor at Bedford Hills (who also had been Ms. Smart's Counselor) stated that it is hard not to admire Ms. Smart's determination in prison to pursue her superior academic achievements successfully. Ms. Milkowski listed out those achievements, including:¹¹

Academic Degrees:

- 2021 - **Doctorate Program in Ministry**, Christian Leadership University, *summa cum laude*
- 2003 - **Master of Fine Arts, English Literature**, Mercy College, *summa cum laude*, Valedictorian, GPA 4.0
- 2001 - **Master of Science in Law**, Southern California University for Professional Studies, *summa cum laude*, GPA 4.0
- 1988 - **Bachelor of Science in Communications**, Florida State University, *magna cum laude*

Additional Academic Achievements:

- June 21, 2020 - **Ordained Minister**, Christ Church Fellowship International
- June 21, 2020 - **Certified Pastoral Level Biblical Counselor**, Christ Church Fellowship International
- August 2010 - Certified as **Church Leadership Presider Trainer**
- April 2000 - **Clinical Pastoral Education**, Unit 1, St. John's Episcopal Services, New York
- April 1997 - **Criminal Justice Program**, University of Alabama, *summa cum laude*
- 2005–2014/1993–2003 - **Certified GED Teacher's Aide**, NY State Department of Labor
- 1995 - **Certified Peer Facilitator**, AIDS Institute and New York Department of Health
- Assistant to Dr. Michelle Fine of Columbia University, Participatory Action Research, Published by the American Psychological Association
- Conducted independent research project on the impact of college on women in prison

¹⁰ Appendix A at A-81, Letter from **Debra Gressel** (friend, former co-worker, and roommate of Pamela and Gregg Smart).

¹¹ Appendix A at A-56, Letter from **K. Milkowski** (Bedford Hills Transitional Services Coordinator and RTA Staff Advisor).

Virtually everyone who has worked with Ms. Smart at Bedford Hills recognizes her profound impact on the well-being of the inmates there. **Eve Ensler** (now known as V), the noted author, producer, and leader in the global movement to end violence against women, conducted a writing workshop at Bedford Hills in which Ms. Smart actively participated. Ms. Ensler wrote, “For eighteen years [Ms. Smart] has worked in the education department, using her two master’s degrees obtained while incarcerated, to help others further their education. . . . She is an asset to all those she meets, striving to enrich their lives through her work in church ministry, rehabilitation through the arts, and many other programs in which she volunteers her time and talent to serve others”¹²

Letters from Ms. Smart’s long-time friends from grade school, high school, and college support this petition and attest to her kindness, loyalty, and selflessness. **Ann Pierce** describes: Ms. Smart always helped people; she never demeaned anyone by their educational level, color of their skin, or how much money they had. “[T]hat’s just how she was.”¹³ Ms. Pierce and Ms. Smart remain friends to this day.¹⁴

Sonia Fortin-Simon has known Ms. Smart since the 9th grade, and was inseparable from her throughout high school. They were Maids of Honor in each other’s weddings. Sonia and her husband knew Gregg Smart as a dear friend and Sonia’s husband was a pallbearer at Gregg’s funeral. Sonia knows “[Ms. Smart] as the kindest, most loving and considerate person I know.”¹⁵

Debra Gressel, who has known Ms. Smart since 1987 when they worked for the State of Florida and lived together, decries that Ms. Smart has been imprisoned longer than she was free,

¹² Appendix A at A-111, Letter from **V** (f/k/a Eve Ensler) (writer and workshop advisor).

¹³ Appendix A at A-97, Letter from **Ann Pierce** (close friend since 1985 and former college roommate).

¹⁴ Appendix A at A-78, Letter from **Amy Bonczek** (friend of Gregg and Pamela Smart); Appendix A at A-88, Letter from **Jane Mangrum** (friend for over 40 years); Appendix A at A-97, Letter from **Ann Pierce** (close friend since 1985 and former college roommate).

¹⁵ Appendix A at A-80, Letter from **Sonia Fortin-Simon** (close friend since 1981).

praises her volunteer work and education in prison, and is disturbed by the disparity between Ms. Smart's sentence and those of the others involved, all of whom have been free on parole for years.¹⁶

Tracy Paris, friend of Gregg and Pamela Smart, who has known Ms. Smart for over 34 years and was the first person called by Ms. Smart when she learned of Gregg's death, describes the depths of Ms. Smart's despair. She confirms that Ms. Smart "has shown me only kindness, compassion and friendship. . . . She's the type of person that would give you the shirt off her back and she's always more concerned with others who are suffering than herself."¹⁷

Likewise, inmates and staff at Bedford Hills, a maximum security correctional facility, are those who have had close, personal contact and direct observation of Ms. Smart over the last 31 years. They highlight her open engagement, focus, drive to achievements and understanding, humility, loyalty, sympathetic understanding, leadership, character, and generosity among her other attributes and qualities.¹⁸

Staff at Bedford Hills, in their own words:

Tutoring

- "Pamela was the most outstanding Teacher Aide I have had in the twenty years that I have been employed at this Facility. . . . I found her to be gifted academically and capable of teaching many students with learning difficulties. . . . Pamela is one of the most generous women I have known at this facility. Hours of her time are spent tutoring and encouraging individuals to achieve. The time she has given to others has resulted in promotion or receiving a G.E.D. or college degree. . . . Pamela's behavior is consistently positive. **In my experience with her, what stands out most are her personal gifts of generosity, integrity, respect for authority and cooperation in any area in which she is asked to work.**"¹⁹

¹⁶ Appendix A at A-81, Letter from **Debra Gressel** (friend, former co-worker and roommate).

¹⁷ Appendix A at A-92, Letter from **Tracy Paris** (friend).

¹⁸ This petition includes references to just some of the staff, inmates and advisors and others who have remarked on Ms. Smart's character and accomplishments in her more than thirty years of incarceration and who support her petition for commutation. This Petition also incorporates by reference the 125 letters submitted with Ms. Smart's Petition in April 2018.

¹⁹ Appendix A at A-47, Letter from **Sister Katherine Fisher** (Bedford Hills teacher) (emphasis added).

- “Ms. Smart was always courteous, professional and serious about her role in helping all struggling students. She was always ready to help her fellow inmates in any way possible.”²⁰
- A lead facilitator at Bedford Hills, **Anne Lloyd**, who has worked with Ms. Smart for 11 years, has referred to her as a “role model” with “an awesome work ethic” who is “unfailingly supportive of classmates, quietly recognizing when her encouragement can mean the difference between the success or failure of another’s effort I believe that without her, [RTA] would not be the strong, successful program [it has] been for more than a decade [H]er considerable gifts are always presented in a humble way. She listens carefully to others, with empathy and respect. . . . [She] has so much to offer outside the walls of Bedford Hills.”²¹

Leading

- **Katherine Vockins**, Founder and Executive Director of RTA, attributes the tripling in size of the Rehabilitation Through Arts program (“RTA”) in part to Ms. Smart’s “considerable communication skills, her intelligence, leadership and organizational abilities.” Her natural “humor, honesty, and the sincere hard work she puts in . . . make[] her a role model to other inmates in the program.”²²
- **Joe Giardina**, Program Director for Rehabilitation for the Arts at Bedford Hills, who has worked with Ms. Smart since 2019, regards her as a “dedicated and responsible program participant and leader who conducts herself with integrity and is respectful and considerate of her peers and RTA volunteers.”²³
- **Michael Minard** has been a Teaching Artist for RTA over the last 10 years at Bedford Hills. In supporting commutation, he highlights the admiration other students have for Ms. Smart. “She is compassionate and caring. And is aware when someone needs help. She is the first to extend a hand. And yet, when she assists others, she is neither showy nor affected. She simply wants to help and does so with humility.”²⁴
- **Phyllis G. Ross**, an RTA Teaching Artist in Music Theory and Songwriting writes in support of commutation that Ms. Smart was a “real beginner” in a small class that was “difficult for her” but that she “persisted,” and “[w]hen others needed an ear . . . , she was ready to help and generous with her attention.” Pointedly, “her peers respect and trust her Pame is known to ‘walk the walk’ and to live up to the standards she expected of others.”²⁵

²⁰ Appendix A at A-53, Letter from **Raymond A. Lomupo** (former Bedford Hills Academic School Principal).

²¹ Appendix A at A-52, Letter from **Ann Lloyd** (RTA Facilitator).

²² Appendix A at A-68, Letter from **Katherine Vockins** (RTA Founder and Executive Director).

²³ Appendix A at A-48, Letter from **Joe Giardina** (RTA Program Director).

²⁴ Appendix A at A-59, Letter from **Michael Minard** (RTA Teaching Artist).

²⁵ Appendix A at A-63, Letter from **Phyllis Ross** (RTA Teaching Artist).

- “In my time working with Ms. Smart, she was an incredibly valuable, committed, and dedicated leader and participant in the RTA program. She modeled to the other women in the program what it means to be fully committed and to reflect on her own behavior as a pathway for growth and development. Ms. Smart literally devotes her time and attention to serving other women in the RTA and in the prison in general. She is smart, capable, humble, and dedicated to the growth and development of others.”²⁶
- **Caesar Brown**, the Inmate Grievance Program Supervisor, said of Ms. Smart that “[s]he provides direction and encouragement to inmates seeking assistance.”²⁷
- **Marc King**, the Offender Rehabilitation Coordinator at Bedford Hills, stated: “My observations of Ms. Smart are that she is viewed by both staff and her peers as a leader, she exercises the extreme patience with others and is always willing to help anyone who requests it.”²⁸

Constantly Improving

- “Ms. Smart is a person who is constantly working toward self-improvement. She is a woman of integrity and strives to give 200% to any task that is assigned to her. What is more admirable is that Ms. Smart strives to accomplish goals, not for self-gratification, but to help others. . . . This letter paints a picture of a woman who works tirelessly to better herself so that she can reach out and help others. **While many incarcerated individuals serving a life sentence may feel hopeless, Ms. Smart exudes hope. She derives joy from helping others and witnessing their successes and transformations. . . . Ms. Smart is a woman who aspires to contribute to the better good of society.**”²⁹

Bedford Hills Inmates and Their Families, in their own words:

Helping with mental health struggles

- “I suffered greatly not only from depression, but schizophrenia.... In times of mania, or incoherence, Pamela would be at my side to calm me, talk me out of self harm, and frankly do a job that the officers and the mental health staff were incapable of. She fed me of her own food when I was terrified of making my way to the facilities “messhall”. She wrote letters to my children when I was not capable and/or feeling too hopeless. There were times when my medication was not regulated, and she acted as liaison between officers, and mental health in order to stabilize me. She was such an incredible force in my life that in 2005 I received my G.E.D. thanks to her pushing

²⁶ Appendix A at A-46, Letter from **Craig Cullinane** (former RTA Program Director).

²⁷ Appendix A at A-43, Letter from **Caesar Brown** (Inmate Grievance Program Supervisor).

²⁸ Appendix A at A-49, Letter from **Marc King** (Bedford Hills Offender Rehabilitation Coordinator).

²⁹ Appendix A at A-56, Letter from **K. Milkowski** (Bedford Hills Transitional Services Coordinator and RTA Staff Advisor) (emphasis added).

me along, and encouraging me. A feat I never dreamed imaginable. I will forever be grateful to her.

Along with helping perhaps hundreds of other women, I would like to mention one other in particular... Chaquita Gulluiry, “Chick[ie]”. A mentally retarded woman incarcerated at Bedford for a very long time. A woman no one cared for. No one with exception of Pamela that is. . . . [E]veryone referred to her as, “Pam’s child”. Because if not for Pam, Chickie would never have bathed, would have continued to defecate on herself, and not eat. Pamela fed her like an infant . . . she would pick her up with all her might, and drag her into the shower and bathe her. . . . When officers would be crude, and curse Chickie for defecating on herself, Pamela would come running and change this fifty something year old’s mess, and hand wash her underclothes as one does to an infant. An act of kindness, and love.”³⁰

- “Pamela saved my life, literally. I went through a very dark period in my life in 2009. I was extremely depressed and tried to take my own life on January 28, 2009. *I hung myself in my cell, and if it wasn’t for Pamela, I’d be dead right now. Pamela had come by my cell to check on me because I’d been so sad, and she found me hanging in my cell. She screamed for the officer to open my cell door, and without any hesitation, she ran in my cell and with all her strength, lifted my body up to take the pressure off of my neck.* I was blue in the face and began choking as air came into my lungs. She held me up until the officer came. She could barely hold my weight, but she did until he took over holding me, and she loosened the sheet around my neck so I could be taken down.”³¹
- “Pamela Smart has taught me to confront my fears and the importance to be real about my [past] in order to form a strong foundation for dealing with the present and the future. . . . Since Pamela Smart started dedicating . . . her time teaching me that I need to channel and enforce that negative into positive feelings of ambivalence about the responsibility of loving me, I can raise my two children and stop that vicious cycle today. . . . As I write this letter, I have faith Pamela Smart has taught me not to give up, stand firm, and pray...”³²

Helping and leading by example

- “[Pamela Smart] has so much to offer society[;] it would be morally wrong to not give her a chance to make her contribution. . . . She is a good, decent person In the act of justice, fairness must also be a consideration. . . . *Does it not say something about Pamela Smart when another such as myself is willing to campaign for her*

³⁰ Appendix A at A-33, Letter from **Robin Swope** (fellow inmate for six years).

³¹ Appendix A at A-12, Letter from **Felicia Field** (fellow inmate incarcerated for fifteen years and student of Ms. Smart) (emphasis added).

³² Appendix A at A-26, Letter from **Rochell Read** (fellow inmate for nine years and student of Ms. Smart) (emphasis added).

freedom, when I don't campaign for my own? For the sake of justice, please consider her for clemency.”³³

- “In the time I have known Pamela Smart, she has treated my youngest daughter (8), whom she has never met, with special care and love. . . . I met Pamela through my sister who is incarcerated with her at Bedford Hills Correctional Facility, and I often, when possible, get a chance to talk to Pamela via phone, and Pamela is always upbeat and kind. . . . She is the type of person who if given a second chance could help society be a better place for little 8 year old girls like my daughter.”³⁴
- “She is a beautiful person. When I came here, I had 25-50 years in prison. *I tried to take my own life, because I felt there was no reason to live until I met her.* She gave me hope. We have sat down and talked and cried about our lives. We can't relive the past. Yes, we made mistakes in our lives, but how long do we have to suffer? . . . Give her hope. Like she gives so many other people.”³⁵
- “Countless women have experienced the joy of learning and have overcome severe learning disabilities because Ms. Smart took the initiative to develop lesson plans and learning goals that were tailored specifically to each student's unique style of learning. . . . Ms. Smart, exhibiting a bottomless reserve of energy, mercy and compassion has guided numerous women through their HIV diagnoses. . . . [S]he is a fierce advocate of all women's health issues. Not only does she work one-on-one with the women, but she also works tirelessly with the Bedford Administration to plan facility-wide events to bring awareness of HIV and women's health issues to the entire Bedford community. . . . Ms. Smart has spent incalculable hours teaching Bedford women how to respectfully and persuasively bring their concerns to the New York and Federal courts. . . . **Without a moment's hesitation, I would entrust guardianship of my daughters with Ms. Pamela Smart. She is compassionate, loyal, devoted, intelligent, sensible, energetic, discerning and boundlessly loving.**”³⁶
- “Upon arriving at Bedford Hills Correctional Facility in 2015, I was instructed by many to immediately seek Pamela's guidance. . . . [T]he media, as well as the prosecution, has attempted to portray Pamela as selfish, cold, and uncaring . . . [but she] is the exact opposite. Pamela Smart is the epitome of rehabilitation. . . . [There are] countless lives that she has touched, saved, and changed for the better. . . . Pamela is truly the most selfless individual I have ever met [She] has given the entire facility hope, guidance, advocacy, strength and compassion for over thirty years. . . . Pamela's sentence will, undoubtedly, cause the public to lose confidence in the justice system. . . . The devastating impact that this decision will have on the women at this facility is evident. Moreover, Pamela's leadership has set the

³³ Appendix A at A-31, Letter from **Denise Solla** (former fellow inmate for ten years) (emphasis added).

³⁴ Appendix A at A-3, Letter from **Ebony Branch** (former correctional officer and sister of a fellow inmate of Ms. Smart).

³⁵ Appendix A at A-20, Letter from **Janet Martin** (former fellow inmate for fifteen and student of Ms. Smart) (emphasis added).

³⁶ Appendix A at A-5, Letter from **Susan Cobaugh** (fellow inmate for thirteen years) (emphasis added).

precedent for many women who have hope for her release. . . . Pamela is a beacon of light in the darkest place that I have ever been in. She is a role model who I aspire to mirror.”³⁷

- **“In prison, there is no special reward for exemplary service. Those who work beyond that which is required only do so because they care enough.** Pamela Smart is such an individual. . . . Of all the things Pame has accomplished what stands out to me most is she is the only woman I am aware of sentence[d] to life with no parole in Bedford Hills Correctional Facility yet, she maintains a smile on her face and offers a kind word to everyone. She is a genuine friend; mentor; and mother-figure to young women. As an individual she is worthy of your consideration.”³⁸

Helping with personal growth

- “Ms. Smart has helped me with a series of different things within the twelve years that I’ve known her. She has helped me academically, spiritually, legally and emotionally. . . . [S]he helped me turn my life around and give me life back to God.... I am at a very great transitional stage in my life, and I don’t believe I would be as successful in my accomplishments if it weren’t for the help of God and Pamela Smart. . . . I must add that I am but only one of the hundreds of women that Ms. Smart has helped in this facility. ***The dedication and genuine hard work and efforts that she puts into helping the women here can be compared to Mother Teresa.*** She is the Mother Teresa of Bedford Hills. Her character is on the scale of someone divinely appointed.”³⁹
- “I find [Pam] to be one of the most inspiring and motivational human beings I have ever met. Not only is she extremely intelligent, she has a heart of gold. She shines her light with everyone and never denies her services to anyone. Part of rehabilitation is to be a service for others and that is what Pam is/does with every in[ch] of herself. . . .

[S]he has proven year after year that she is not the person she was when she first entered this environment. Pam has worked on herself through these years and I strongly believe it is time to release her. She will never be free of the tragedy that occurred, therefore, releasing her is an act of true justice because she is rehabilitated in every sense of the word.”⁴⁰

- “I met Pamela Smart in 2001 and since then, she has been a big part of my growth. Ms. Smart has helped me change my lifestyle and ways in a positive way. She has also helped me with working on getting my GED. Since 2003 we’ve lived on the

³⁷ Appendix A at A-16, Letter from **Kelly Harnett** (fellow inmate).

³⁸ Appendix A at A-18, Letter from **Julia Long** (fellow inmate and teacher’s aide with Ms. Smart) (emphasis added).

³⁹ Appendix A at A-38, Letter from **Taliyah Taylor** (fellow inmate for thirteen years, tutored by Ms. Smart in college classes, and member Liturgical Praise Dance Ministry) (emphasis added).

⁴⁰ Appendix A at A-29, Letter from **Vanessa Santiago** (former fellow inmate for eighteen and teacher’s aide with Ms. Smart).

same unit Step-Up Network, which is a program unit to help people with problems and issues on a day to day basis, and life long issues. Ms. Smart has helped me to become a more positive person. Ms. Smart is a very caring and giving person. She goes out of her way to help others. . . .

Pamela Smart should be given another chance in the community. I believe that she is ready to help others out in the community as she has helped people behind these walls with personal growth and accomplishing their GED's and college degrees."⁴¹

Helping with education

- “Ms. Smart made a difference in my life, she began tutoring me with my GED studies at which time I did obtain my GED. Without Ms. Smart’s help it couldn’t be done. Ms. Smart has a gift for helping people understand what they previously had trouble with for me it was my education. During my [work with Ms. Smart], I also got to know her as a person of concern and caring individual who is always helping someone with something. Many other inmates go to her needing assistance with a lot of different things.”⁴²
- “I met Pamela (19 years ago) when I was enrolled in the Pre-GED class here. She was my Teacher’s Aide. . . . I did not know how to read, write or speak English that well. . . . Pamela . . . dedicated all of her time to helping me I passed the GED exam. I could not have done this without Pamela’s constant dedication to helping me succeed. . . . **She gave me strength and inspiration. She believed in me when I didn’t even believe in myself.** . . . I lost my mother a year after I arrived at Bedford, and it was Pamela who helped me get through the pain. The list goes on, because every day **she has helped me . . . to be a better person. She taught me compassion, to strive to meet my goals, and to believe in myself and God. . . . Whenever someone asks for help, she never says ‘no.’**”⁴³

Academic Advisors, Criminal Justice Scholars, and Advocates for Women’s Rights, in their own words:

- **Lynn Wildman**, a supervisor to Ms. Smart, wrote that “[i]n her capacity as a teacher aide Pame Smart [was] extremely committed, cooperative, and capable. She brings great energy, enthusiasm, and effectiveness to her work assignments as a one-on-one tutor. Her students like her and respond well to her high expectations of them. Many of her students have earned their high school equivalency diplomas and most have enrolled in our college program. Her positive attitude and belief in education fosters

⁴¹ Appendix A at A-41, Letter from **Jessica Uriondo** (former fellow inmate for fifteen years and student of Ms. Smart).

⁴² Appendix A at A-36, Letter from **Helen Taylor** (fellow inmate for fifteen years and student of Ms. Smart) (emphasis added).

⁴³ Appendix A at A-13, Letter from **Elizabeth Gonzalez** (former fellow inmate for fifteen years and student of Ms. Smart) (emphasis added).

self-esteem in her students and motivates them to do their best. I have never had a student make a complaint about her. I am also very much impressed with Pame Smart's personal qualities. She is a warm, caring, self-confident, very intelligent young woman who relates very well to others. . . .

I had been approached in 2004 by the Academic Supervisor and the Deputy of Health Services to identify an inmate who would on her own do cell study with women in the long term care unit without my direct supervision. . . . The only inmate I would recommend was Pame Smart.

From my personal perspective if Pamela Smart's sentence were to be commuted to release now or in the not too distant future she would be a very productive, contributing member of society; she would be of no threat to anyone; and there would be no political fallout for you."⁴⁴

- Psychiatrist **Scott Bonn**, an author who personally met with Ms. Smart and maintains an ongoing relationship with her, remarks that Ms. Smart's "compassion and dedication to others is demonstrated by her extensive resume of volunteer work behind bars. She has served as a peer mentor, tutor and academic instructor, academic researcher, spiritual advisor, hospital and Red Cross volunteer, and countless other service functions."⁴⁵
- **Gloria Steinem**, globally respected writer and humanitarian: "Pamela is a capable and gifted women with much to offer the world, yet she has spent more than half her life in prison. . . . Her time is spent in helping other inmates, educating and inspiring them, and in countless other ways improving the quality of their lives. She has saved multiple lives, both literally and metaphorically."⁴⁶
- **Phyllis Chesler**, PhD, co-founder of the Association for Women in Psychology and acclaimed author of multiple groundbreaking books, including *Women in Madness*, in supporting clemency, wrote: "Pamela Smart is a brilliant, productive, uniquely gifted person who has spent her time in prison helping other inmates in multiple ways Society benefits no further in keeping Ms. Smart in prison. She is no threat to

⁴⁴ Appendix A at A-69, Letter from **Lynn Wildman** (direct supervisor of Ms. Smart) (emphasis added) ("Several months earlier she had been reassigned to work as a peer counselor for women with mental health issues which meant she was no longer working for me. When I approached her about the teacher aide position with women in the long term care unit she was very excited about the proposal of tutoring again but felt an obligation to the peer counseling position. To make a long story short she agreed to be a volunteer tutor two or three afternoons a week from 3:30–5:00PM in the long term care unit. She has been highly successful with the three women she worked with since last May. These women were not able to attend classes or the tutoring program in the school building due to their health problems. One of her students is a 66 year old black woman who weighs over 500 pounds who is now working on obtaining her GED. Pamela Smart has proven to be as fully capable as a professional cell study tutor, if not more so!").

⁴⁵ Appendix A at A-114, Letter from **Dr. Scott A. Bonn** (psychiatrist).

⁴⁶ Appendix A at A-110, Letter from **Gloria Steinem** (advocate).

herself or others and would be far more useful in the larger society. . . . With humility and respect, I implore you to consider reducing or commuting her sentence.”⁴⁷

- **Kate Millet**, PhD, artist, lecturer and renowned author of *Sexual Politics* and nine other books, wrote of Ms. Smart’s qualities: “[S]he’s a person of great value and a productive member of her society. She has used her time in prison well Surely it’s time to let her out. To what life she has left. . . . Let her go free.”⁴⁸

Ms. Smart has taken it upon herself to be “the voice of so many women who want to speak up but lack the means or ability to do so on their own.”⁴⁹ One volunteer, through a local church in Bedford, New York, shared that “Pamela is known by many[:] as their mentor; as their advisor, who has helped them navigate their way through prison upon arrival; as an advocate for the needs of the women at BHCF[:] and, by many as a dear friend. In a closed society, where one tends to stay to themselves, Pamela is remarkably compassionate and giving of her time and energy to others around her.”⁵⁰

III. Ms. Smart Has Matured And Evolved Spiritually And Emotionally Over The Past 31 Years.

Now the longest serving person at Bedford Hills, Ms. Smart’s maturity, deepened insights, and wisdom have evolved over the past 31 years. She is not the same person as the 22-year-old girl convicted of her crime. Her personal growth has included increased spiritual awareness, commitment to a faith-based life of service to others, respect for inclusiveness that embraces both spiritual and ecumenical communities, evolving insights and acceptance of responsibility for her conduct, appropriate expressions of remorse and strengthening ability to communicate and resolve conflicts in difficult circumstances. Ms. Smart’s dedication to helping others has earned her

⁴⁷ Appendix A at A-104, Letter from **Phyllis Chesler** (advocate).

⁴⁸ Appendix A at A-108, Letter from **Kate Millett** (advocate).

⁴⁹ Appendix A at A-126, Letter from **Sophia Heller**, Esq. (former attorney of Ms. Smart). Other counsel have written to support this Petition (Nicholas Booke, Sophia Heller, Ronald Kuby, Dmitry Shakhnevitch, Antonio Quinn).

⁵⁰ Appendix A at A-141, Letter from **Ava Aronstam Zukowsky** (pen pal).

recognition across the faith-based communities, in which she has been embraced.⁵¹ Her friends, family, prison personnel, and inmates attest that Ms. Smart is a spiritually and emotionally mature woman.

Ms. Smart's spiritual pursuit has been enhanced by both formal religious education and practical service in ministry at Bedford Hills. In June of 2020, she was ordained as a Minister with Christ's Church Fellowship International.⁵² This past fall, in November of 2020, she graduated with a Doctorate in Ministry with a concentration in Biblical Studies.⁵³

Ms. Smart's professors have written in her support, remarking that her work and the questions throughout her studies were "exceptional."⁵⁴ **Professor Andy Karabatsos** observed that Ms. Smart grew in her Christian walk during her studies.⁵⁵ As an active church participant, leading the church's praise dance group since 2005, Ms. Smart has served as a gospel reader for church services, has been chosen to deliver exhortations (similar to a whole sermon) for church services, and participated in Bible studies including "The Search for Significance" study by the Prison Fellowship in 2019.⁵⁶

⁵¹ Appendix A at A-45, Letter from **Sister Mary Ann Collins** (Bedford Hills Catholic Chaplain); Appendix A at A-62, Letter from **Sister Lynda Muhammad** (Bedford Hills Nation of Islam Chaplain); Appendix A at A-66, Letter from **Reverend Doris Tongo** (Bedford Hills Protestant Chaplain); Appendix A at A-65, Letter from **Reverend Cleveland Thornhill** (Bedford Hills Protestant Chaplain).

⁵² Appendix B at B-1, Pamela Smart Resume (2021); Appendix B at B-12, Certificate of Ordination.

⁵³ Appendix B at B-1, Pamela Smart Resume (2021).

⁵⁴ Appendix A at A-74, Letter from **Andy Karabatsos** (Christian Leadership University Professor); *see also* Appendix A at A-76, Letter from **Dr. George Pancescu** (Christian Leadership University Professor); Appendix A at A-77, Letter from **Dr. Joel Trenkle** (Christian Leadership University Instructor); Appendix A at A-73, Letter from **Dr. Jean Jones** (Christian Leadership University Instructor).

⁵⁵ Appendix A at A-74, Letter from **Andy Karabatsos** (Christian Leadership University Professor).

⁵⁶ Appendix B at B-1, Pamela Smart Resume (2021); Appendix A at A-66, Letter from **Reverend Doris Tongo** (Bedford Hills Protestant Chaplain).

Ms. Smart shares her joy in spiritual development with others too. A fellow inmate, Taliyah Taylor, described Ms. Smart's spiritual guidance to her and Ms. Smart's introduction of her to the praise dance group.⁵⁷

Ms. Smart's commitment to diversity and inclusion extends to the four faiths serviced at Bedford Hills: Judaism, Nation of Islam, Catholicism, and Protestantism. Chaplains from all these faiths have praised Ms. Smart's works and character.⁵⁸ This unbounded acknowledgement is a reflection of her profound spiritual and emotional growth and impact over the past decades.

The Offender Rehabilitation Coordinator at Bedford Hills, **Marc King**, has observed that Ms. Smart willingly helped with group discussions as a volunteer speaker in his Alcohol and Substance Abuse treatment program.⁵⁹ He further commented: "Through the lens of having worked with prisoners both male and female for over 5 years I can say that she exhibits maturity, peace and a positive nature that is uncommon for incarcerated individuals."⁶⁰

Similarly, for four years, as a Peer Facilitator with the Aids Counseling and Education Program, Ms. Smart helped facilitate HIV-positive support groups, women's health groups, and HIV/AIDS information groups for new inmates, and she became a certified Peer Facilitator through the AIDS Institute and the New York Department of Health.⁶¹ It is clear that Ms. Smart has become an emotionally mature and nuanced communicator.

The civilian volunteer, author, and celebrity, **Eve Ensler**, who worked with Ms. Smart for six years through a writing workshop at Bedford Hills wrote: "She is a different woman than the

⁵⁷ Appendix A at A-38, Letter from **Taliyah Taylor** (fellow inmate for thirteen years, tutored by Ms. Smart in college classes, and member Liturgical Praise Dance Ministry).

⁵⁸ See, e.g., Appendix A at A-65, Letter from **Reverend Cleveland Thornhill** (Bedford Hills Protestant Chaplain); Appendix A at A-45, Letter from **Sister Mary Ann Collins** (Bedford Hills Catholic Chaplain); Appendix A at A-62, Letter from **Lynda Muhammad** (Bedford Hills Nation of Islam Chaplain).

⁵⁹ Appendix A at A-50, Letter from **Marc King** (Bedford Hills Offender Rehabilitation Coordinator).

⁶⁰ *Id.*

⁶¹ Appendix B at B-1, Pamela Smart Resume; Appendix A at A-5, Letter from **Susan Cobaugh**.

one who entered the prison system, completely transformed by the self-examination she has done, she has matured while incarcerated and developed true insight into her life and her potential.”⁶²

Ms. Smart’s Chaplain and Pastor, **Reverend Cleveland Thornhill**, for the past nine years recognized that Ms. Smart has undergone “[m]ore than a [s]uperficial [t]ransformation of her [m]entality and [c]haracter.”⁶³

IV. Ms. Smart Has The Temperament And Skills To Succeed Professionally And Has Been Offered Employment Post-Incarceration.

Ms. Smart has acquired substantial skills in prison, which make her an even more valuable contributor outside its walls than within them. She has attributes that would enable her to benefit a broader society upon release. She is not at risk of recidivism or harming the public interest. To the contrary, as Ms. Smart seeks to be released to help care for her health-compromised and aging parents and to continue her community work. It is her hope that, one day, in freedom, she can spend the rest of her parents’ remaining years “making amends for everything they have lost because of [her]. In the same vein, [her] debt to society also demands massive restitution and a commitment, not just to being good—but doing good. I pledge to do so with all my heart”⁶⁴

As demonstrated by her work at Bedford Hills, Ms. Smart’s training and skills have positioned her to teach, and coordinate activities for cohorts of at-risk populations in prison and in post-prison environments.⁶⁵ This ability to make a profound impact outside of prison is evident from the abundant and enthusiastic statements of those closest to Ms. Smart over the last 31 years.

Just last month, in July of 2021, Ms. Smart was elected to her seventh consecutive term as a representative of the Inmate Grievance Resolution Committee at Bedford Hills.⁶⁶ The Inmate

⁶²Appendix A at A-111, Letter from **V** (f/k/a Eve Ensler) (writer and workshop advisor).

⁶³Appendix A at A-65, Letter from **Reverend Cleveland Thornhill** (Bedford Hills Protestant Chaplain).

⁶⁴Appendix A at A-1, Letter from Pamela Smart.

⁶⁵*Id.*

⁶⁶Appendix B at B-1, Pamela Smart Resume (2021); Appendix A at A-43, Letter from **Caesar Brown** (Inmate Grievance Program Supervisor).

Grievance Supervisor at Bedford Hills, and New York State Department of Corrections employee for 26 years, **Caesar Brown**, has said about Ms. Smart's abilities as an Inmate Grievance Representative under his direct supervision: "As the grievance representative, Ms. Smart works to both formally and informally resolve inmate grievance complaints She provides direction and encouragement to inmates seeking assistance with issues through existing channels, conducts investigations and completes written reports and facilitates resolutions of complaints. . . . Ms. Smart's level of maturity and dependability are rare. She is uniquely qualified in dispute resolution and labors diligently to achieve it. It is my belief that she would be an asset to any workplace wherein she is employed."⁶⁷

Marc King, Offender Rehabilitation Coordinator at Bedford Hills, also worked with Ms. Smart when she was an Inmate Grievance Representative. Confirming Mr. Brown's comments, he says: "In her capacity as the inmate grievance representative[,] Ms. Smart conducts all grievance hearings. She takes her position very seriously and always conducts the hearings in [a] professional manner. It is easy to see why her peers have continually elected her as their representative over the years because she is a staunch advocate for the inmate population. . . . I believe that if she is released that Ms. Smart would be a benefit to society and whoever she encounters. I am quite sure she would continue helping others and doing her best to have a positive influence in the world."⁶⁸

Reverend Cleveland Thornhill, Bedford Hills' Protestant Chaplain, has remarked on Ms. Smart's drive, ability, and mission: "Being the Director of our Church Community Dance Ministry, she [Ms. Smart] is required to attend a minimum of three combined Worship services[,] Bible studies and Prayer Meetings per week. She has also served as a Servant Leader to the larger

⁶⁷ Appendix A at A-43, Letter from **Caesar Brown** (Inmate Grievance Program Supervisor).

⁶⁸ Appendix A at A-50, Letter from **Marc King** (Bedford Hills Offender Rehabilitation Coordinator).

Worship Community at the Bedford Hills Correctional Facility and her consistent, generous donations to our Ministry of Kindness/Share Fund in helping indigent women attend the Annual Protestant Family and Friends Special Events is also commendable. It is my belief that if given the opportunity[,] Ms. Pamela Smart would make the best of it and even become a well-respected citizen of the community she chooses to reside in.”⁶⁹

Dr. George Pancescu, Professor of Theology at Christian Leadership University, and Ms. Smart’s teacher at the University, has further expressed how Ms. Smart’s resolute faith will further her professional development and service: “Pamela is a wonderful student and I am confident that based on her academic potential, she should be given a chance at parole to use her future degree for the greater good. . . . I know that she will utilize her degree once completed for furthering the Kingdom of God and can change lives with her story.”⁷⁰

Dr. Michelle Fine, who collaborated with Ms. Smart to publish a White Paper on the impact of college in prison on women, wrote: “Pam Smart has gifts she can bring the world outside prison: gifts of education, civic engagement, a sense of responsibility to heal the world, and a transformed self.”⁷¹

Charles Moore, Director of Operations of Rehabilitation Through the Arts (“RTA”) at Bedford Hills for the past 5 years, enthusiastically wrote to support commutation, stating that what “Ms. Smart has accomplished is totally amazing” and that she is “a leader and role model” in the RTA program “who conducts herself with integrity.”⁷²

⁶⁹ Appendix A at A-65, Letter from **Reverend Cleveland Thornhill** (Bedford Hills Protestant Chaplain).

⁷⁰ Appendix A at A-76, Letter from **Dr. George Pancescu** (Christian Leadership University Professor).

⁷¹ Appendix A at A-71, Letter from **Dr. Michelle Fine** (former research partner and co-author).

⁷² Appendix A at A-61, Letter from **Charles Moore** (Director of Operations of RTA). A second RTA writer, Ricki Gold, Deputy of RTA, who has worked with Ms. Smart since RTA’s inception ten years ago at Bedford Hills, reports that Ms. Smart, a member of the RTA Steering Committee, “is an uplifting presence” and “a true leader.” Further, she commented that Ms. Smart “participates with a whole heart, no matter how challenging.” Ms. Smart “struggled through advanced music theory/keyboard and composition class (and she was) impressed by her

Indeed, her degrees in varied disciplines equip her for myriad of career opportunities and many of the family, friends, colleagues, and mentors Ms. Smart has maintained relationships with or met over the years are prepared to offer her gainful employment upon her release from prison.

- Starting with Ms. Smart's brother, **John J. Wojas Jr.**, Senior Vice-President of AEG Live in San Diego, California, Mr. Wojas has offered Ms. Smart housing and employment upon her release from prison: "I am prepared to offer my sister housing and a job opportunity here in California."⁷³
- Moving to family friend, **Benjamin Joannou**, President of J&B Importers, Inc., Mr. Joannou has offered Ms. Smart employment upon her release in Miami, Florida, which would be close to her parents who have relocated to Florida: "I feel so strongly about Pame that should you decide to pave the way for a sentence commutation, I would be honored to have her in my employ."⁷⁴
- Finally, **Stephane Hardy**, owner of MIAtrading LLC, who has known Ms. Smart for 10 years and considers her a "good friend," offered Ms. Smart employment at his company, noting, "There is absolutely no doubt in my mind that Ms. Smart does not represent a threat to society, and would act in the outside world as a composed and balanced positive force that would change things for the better. I trust her completely and view her as a woman of high caliber who clearly deserves a second chance."⁷⁵

This sentiment, and Ms. Smart's level of commitment, was similarly expressed by the former Principal in the Academic School at Bedford Hills, **Raymond A. Lomupo**. He wrote that Ms. Smart has "held important jobs while in prison and pursued her education as well. Though I did not know her at the time of the crime, I am confident in saying that Ms. Smart is in no way a danger to society."⁷⁶

Laura Whitehorn, co-founder of the organization Releasing Aging People in Prison, writing on behalf of Ms. Smart, has also offered Ms. Smart support upon her re-entry into New York.⁷⁷

determination to master this difficult material, motivated by a desire to write a song for her mother – which she eventually accomplished." Appendix A at A-49, Letter from **Ricki Gold** (Deputy Director of RTA).

⁷³ Appendix A at A-103, Letter from **John J. Wojas Jr.** (brother).

⁷⁴ Appendix A at A-84, Letter from **Benjamin Joannou, Sr.** (friend).

⁷⁵ Appendix A at A-123, Letter from **Stephane Hardy** (friend).

⁷⁶ Appendix A at A-53, Letter from **Raymond A. Lomupo** (former Bedford Hills Academic School Principal).

⁷⁷ Appendix A at A-137, Letter from **Laura Whitehorn** (Co-founder, Releasing Aging People in Prison/RAPP).

Donna Hylton, a former inmate at Bedford Hills and now President of the non-profit, A Little Piece of Light, has offered assistance to Ms. Smart “with all of her re-entry needs” if released.⁷⁸ Ms. Hylton writes that she “will personally make it my responsibility to ensure Ms. Smart has housing, employment, and all the additional resources she may need for a successful reintegration back into society.”⁷⁹ Further, Ms. Hylton has offered Ms. Smart a job with A Little Piece of Light upon release.

Ms. Smart has a prison track record of being able to apply herself for the common good. She has a formal education and experience in helping older or at-risk populations get back on track. She models and promotes education and self-improvement for her fellow inmates and, through her ministry and the Arts, helps to counsel and rehabilitate her peers. She is practical and has demonstrated administrative competence in prison. Her supporters, both family and friends, provide her with a community that would be a resource to help Ms. Smart succeed if released. She is no danger to the public.

V. Conclusion

Pamela Smart respectfully submits this Petition to humbly request your mercy and compassion. Without your intervention, Ms. Smart will die in prison. Her acceptance of responsibility, her conduct and character—her disproportionate sentence discussed in the accompanying memorandum—all warrant consideration in exercising executive grace. Given the foregoing, Ms. Smart’s sentence should be modified to eliminate the “without the possibility of parole” condition, and commuted to time served.

⁷⁸ Appendix A at A-127, Letter from **Donna Hylton** (President of A Little Piece of Light).

⁷⁹ *Id.*

Date: August 16, 2021

By:

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