

New York Reprieve Power

Governor Cuomo has unfettered, unreviewable power to grant reprieves in any case he chooses.

The Constitution of the State of New York vests the governor with authority “to grant reprieves, commutations and pardons after conviction, for all offenses except treason and cases of impeachment, upon such conditions and with such restrictions and limitations, as he or she may think proper, subject to such regulations as may be provided by law relative to the manner of applying for pardons.” N.Y. Const. art. IV, § 4.

“The exercise of such discretion and power, ‘unless illegal or impossible conditions are attached,’ is not subject to judicial review.” *Boyd v. Pataki*, 52 A.D.3d 1128, 1128–29 (Ap. Div. 3d 2008). *See also People ex rel. Page v. Brophy*, 248 A.D. 309, 311–13, (App. Div. 1936) (“There can be no question of the Governor's unlimited power to grant reprieves, commutations, and pardons upon such conditions, and with such restrictions and limitations, as he thinks proper. N.Y. Const. art. IV, § 4. The discretion conferred upon him by this provision of the Constitution cannot be limited either by statute or decision.”).

Although there is an Executive Clemency Bureau to aid in the processing of clemency applications, there is no independent advisory board that must be consulted before the governor grants clemency.