

Top Judge Favors a Second Chance for Those Languishing in Prison

Rowan Wilson, the chief judge of New York State's highest court, used his State of the Judiciary address to push back against prolonged incarceration.



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By Hurubie Meko

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The chief judge of New York State's highest court urged the State Legislature on Monday to pass a bill that would allow prisoners who have been locked up for years to apply for reduced sentences.

The judge, Rowan Wilson, who oversees the state's entire court system, said in his annual address at the Court of Appeals in Albany that the proposed legislation, known as the Second Look Act, would give people who committed crimes years ago an opportunity to show they no longer pose a danger and could be a benefit to society.

“Put simply, our criminal justice system isn’t working. Maybe it hasn’t really ever worked,” Judge Wilson said. “Prolonged incarceration is very expensive, and it does not make us safer.”

The speech by Judge Wilson, the first Black judge to lead the Court of Appeals, stands in contrast to a growing push for tough-on-crime policies in New York State. After embarrassing losses to Republicans in the midterm elections in 2022 and

gains by President Trump among New York voters in November, Gov. Kathy Hochul, a Democrat, has made public safety a keystone of her re-election campaign.

Judge Wilson was confirmed in 2023 following a tumultuous fight among State Democrats and Ms. Hochul over her initial nominee for the post, Hector D. LaSalle, who progressive legislators said was too conservative. The previous chief judge, Janet DiFiore, had wielded her influence to push the court to the right during her tenure.

In contrast, Judge Wilson, who first joined the Court of Appeals in 2017, quickly established himself as a prominent liberal voice.

During his time on the bench, he helped expand the rights of workers and criminal defendants. And in last year's address, his first as chief judge, Judge Wilson centered his message on the state's diversionary courts — like drug treatment courts, mental health courts and veterans courts — which he said were “unorthodox approaches that have been spectacularly impressive.”

His State of the Judiciary speech on Monday further marked Judge Wilson's departure from his predecessors.

The second-look bill would allow people serving prison terms of 10 years or longer to apply to judges and ask them to re-evaluate their sentences. The aim is to “address the harms caused by New York's history of imposing overly harsh sentences, including those required by mandatory minimums,” according to its language.

The bill has failed in the Legislature in recent years, but has been reintroduced this cycle and is being sponsored by State Senator Julia Salazar and Assemblywoman Latrice Walker, both of Brooklyn. It has about two dozen co-sponsors in the State Senate, all of them Democrats. It is not clear whether it is likely to pass.

The endorsement from Judge Wilson is meant to bolster support for the measure, which was also backed in an editorial earlier this year by the state's Chief Administrative Judge, Joseph A. Zayas.

In a statement, Ms. Salazar expressed gratitude for the judges' support and said it was "now time for us in the Legislature to act."

On Monday, Judge Wilson was joined by Daniel F. Martuscello III, the commissioner of the state's Department of Corrections and Community Supervision, who oversees the state's prisons and parole.

He was also joined by former prisoners and two incarcerated people. One of them was Christopher Martinez, 40, who was convicted of murder when he was 17 and is serving a sentence of 65 years to life at Shawangunk Correctional Facility in Ulster County.

Mr. Martinez spoke of being shuffled among five homes and seven schools in Brooklyn and landing in foster care before dropping out of high school. He matured into adulthood in prison, he said, constantly exposed to violence and contemplating suicide.

But in his 23 years behind bars, he has worked to turn his life around, he said. He completed his high school equivalency, becoming the first person in his family to graduate. In 2023, he earned a bachelor's degree. He is now a father and a husband.

"I have devoted myself to the ideas of redemption and rehabilitation, to proving that I can be a productive member of a community," he said. "To proving that others can live safely around me."

The bill gives him hope that "we can work to redraw the line at imposing punishment that is sufficient but not greater than necessary," Mr. Martinez said.

In his speech, Judge Wilson highlighted what he said were signs that the "traditional" model of the legal system was not working.

He pointed out that the United States is home to 5 percent of the world's population, but 20 percent of its incarcerated people; that the felony conviction rate is significantly higher for New Yorkers of color than their white peers; and that the age of incarcerated New Yorkers is rising because of longer prison sentences.

“Over-incarceration has everything to do with the courts,” he said. “No prosecutor, jury, legislator or executive branch official imposed a prison sentence. Everyone sentenced to a New York prison was sentenced by a judge of the Unified Court System.”

New York is “behind the curve” when it comes to allowing for sentences to be adjusted, especially for people who were convicted when they were young adults, said Nazgol Ghandnoosh, director of research at the Sentencing Project, a nonprofit in Washington.

Based on scientific research that shows the brains of young adults are not fully developed, many states have adopted statutes that allow young people to apply for resentencing when they grow older, Ms. Ghandnoosh said. “At this point, we don’t see New York law reflecting that science,” she said.

New York Democrats have also introduced a measure aimed at eliminating mandatory minimum sentences and another that would allow credit for good behavior to be applied toward sentences.

But it is the second-look bill that would directly address the state’s problem of overly lengthy sentences, Judge Wilson said in an interview last week. For that reason, his team has been working closely with lawmakers to help craft the measure to have the maximum effect, he said.

“If you stick with the traditional model, then a judge is making a determination about how long to incarcerate someone shortly after the person has committed a crime,” he said. “And it’s sort of blind to the possibility that people change.”

Hurubie Meko is a Times reporter covering the New York Police Department and criminal justice in the New York region. More about Hurubie Meko

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