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November 2, 2009

Honorable David Paterson
Governor, State of New York
State Capital
Albany, New York 12224

Re: Synopsis of Pardon Application on Behalf of John Kennedy O'Hara
Pleads for Executive Pardon

Dear Governor Paterson,

I am a civil rights attorney of the Bedford-Stuyvesant/Crown Heights area of Brooklyn, and I make this formal plea for an Executive Pardon to the Office of Honorable David Paterson. It is respectfully submitted that the granting of a pardon on behalf of the applicant, John Kennedy O'Hara, would right a grave wrong as the Judicial Branch has already determined.

In a unanimous decision by the Supreme Court of the State of New York, Appellate Division, Second Department, a Panel of 5 Justices, along with the unanimous decision of 25 members of the Second, Tenth, Eleventh and Thirteen Districts of the State of New York Committees on Character and Fitness, ruled that John Kennedy O'Hara be immediately reinstated to the Bar of the State of New York as an attorney and counselor-at-law on October 6, 2009 (Exhibit A).

Of even greater significance is the ultimate admission by the judiciary of the fact that John Kennedy O'Hara is the only person in the state of New York other than civil rights Women's Movement Suffragist, ***Susan B. Anthony***, to have been criminally prosecuted for casting his vote; and that his selective and malicious prosecution was a political prosecution to rid the Brooklyn political machine of John Kennedy O'Hara as a political irritant. As stated within the subcommittee report urging the readmission of John Kennedy O'Hara as a member of the Bar of the State of New York, it was found, as follows:

"Mr. O'Hara was actively involved in politics during this period [of the prosecution brought against him] and ran primaries against organization candidates in Brooklyn. These campaigns were quite successful and for a period of years Mr. O'Hara was able to unseat a number of organization incumbents which, inevitably, angered the local political machine. Mr. O'Hara, accurately it appears, claims that the machine went gunning for him and pounced on his change of residency calling it election fraud." (Exhibit A).

It is the contention of the Applicant John Kennedy O'Hara that the political prosecution brought against him by the Kings County District Attorney's Office was brought merely due to pressures within the Brooklyn Democratic Party and violated democratic principles. Today, truly democratic principles require that all voices be heard, and that the protected right to free speech through our vote and running for office – with or without the support of any organized party organization. As such, Attorney John Kennedy O'Hara was indeed punished for his absolute right to engage in the local political debate. Certainly, as further found by the Committee on Character and Fitness, John Kennedy O'Hara should never have been prosecuted for his right to vote from an address that the Kings County District Attorney's Office determined was not his own:

“Although the committee has grave doubts that Mr. O'Hara did anything that justified his criminal prosecution, even if Mr. O'Hara was guilty of the offense for which he was convicted, we believe that Mr. O'Hara now has the requisite character and fitness to be reinstated as a member of the bar.” (Exhibit A).

The Judiciary's recent decision finding selective malicious prosecution against Attorney John Kennedy O'Hara reiterates the finding within the dissenting opinion of Judges New York State Court of Appeals dissenting judges Levine and Rosenblatt, upon his appeal in 2001, who wrote, *sua sponte*:

“So far as we can discern, defendant is the only person ever brought to trial in New York on a charge of this kind. If politically charged disputes such as this and questions of “residence” are going to be resolved in the criminal arena and decided by juries, with the possibility of criminal conviction and incarceration, we should ensure that the definition of residence is plainly fixed and easily understood.” (Exhibit B).

Indeed, Attorney John Kennedy O'Hara has been vindicated by the Judiciary's findings that the political prosecution against him should not have taken place *ab initio*. However, it is respectfully submitted herein that even with his reinstatement to the Bar, John Kennedy O'Hara still has the **stain of a felony** on his record and his personal character that the Judiciary and even two Justices of the Court of Appeals agree should not have been brought. Attorney John Kennedy O'Hara's personal and professional life was in ruins during a 12-year period because he refused to comport to the mandate of the Brooklyn political machine.

It is respectfully submitted that this type of behavior within a process of constitutionally protected rights to run for office and engage in the public debate is outrageous and unforgiveable. We now plead to you to exercise your sole power and authority to right this historical wrong and pardon John Kennedy O'Hara for the felony conviction which, in fact, should never have been brought.

Dated: New York, New York
November 2, 2009

Sincerely,

Sandra E. Roper, Esq.,
Of Counsel Attorney for the Applicant