

# The Virgin Islands Consortium

## Governor Mapp Pardons 6, Including Damon John, Grants Commutation To 8

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Governor Kenneth E. Mapp has extended clemency to 15 persons chosen from nearly 100 applicants, Government House has announced.

As he did this, the territory's chief executive urged the Legislature of the Virgin Islands to adopt a local statute for compassionate release of prisoners and place its responsibility under the jurisdiction and authority of the Virgin Islands Parole Board, according to the release.

Mr. Mapp also stated that the Virgin Islands correctional system is faced with a growing population of aging inmates whose medical expenses are costing taxpayers millions of

dollars each year.

For example, three prisoners, ages 64 to 87, who have been incarcerated for over thirty (30) years - cost taxpayers approximately \$1 million for medical care out of the general treasury of the government annually.

“The truth of the matter is that there is no more punishment to be exacted or no more rehabilitation to be gained for these types of prisoners. The political process for clemency is not the best avenue to address this vexing problem,” the governor noted.

For his consideration of the clemency applications, the territory's leader created a process and set a series of criteria to aid him in making his decisions for clemency, Government House said. The chief executive collaborated with and sought the input of his Chief Counsel, the Attorney General of the Virgin Islands, the Director of the Bureau of Corrections, the Police Commissioner and the Director of the Bureau of Internal Revenue.

In his review of the applications for clemency, Mr. Mapp met with the VI Parole Board and, to the extent possible, sought comment from victims and/or surviving family members of victims. He also used the Program Statement Compassionate Release/Reduction in Sentence as a guide.

The Program Statement authorized on the Federal level at 18 U.S.C. §§3582(c)(1)(A) and 4205(g) provides the following guidance for the release or reduction in sentence of elderly inmates:

- Age 65 and older
- Suffer from chronic or serious medical conditions related to the aging process
- Deteriorating mental or physical health that substantially diminishes their ability to function in a correctional facility
- Conventional treatment promises no substantial improvement to their mental or physical condition
- Served at least 50 percent of their sentence.

Using this guide post along with other cost considerations, the Governor noted that he “gave serious consideration for compassionate release to prisoners who are serving a sentence of natural life or long sentences of incarceration who have terminal medical illnesses, who are of significant age, who are unable or incapable of performing daily basic human functions without assistance and/or whose annual medical expenses paid by the general treasury of the Government of the Virgin Islands have become and remain exorbitant.”

The Governor noted that he also “gave serious consideration of mercy to individuals with a criminal conviction who are serving their sentence, who have served their sentence and have exhibited remorse; who have and who are making positive contributions to society; who have and who are demonstrating by the conduct of their lives that they have been fully rehabilitated, have learned from their mistakes and warrant a grant of clemency.”

A pardon is a statement of forgiveness that may assist with the restoration of rights or expungement of a criminal record by a judge, while a commutation is a reduction in the length or type of sentence imposed for a conviction.

A commutation generally means time served and the individual maintains a criminal record.

The Governor granted clemency pardons to the following individuals:

#### PARDONS:

- Jonathan Kalis Cohen
- Colette Hackett-Browne
- Delriese Hamilton
- Julian Industrious
- Princeton S. Jameson
- Damon John
- David Lockhart

#### COMMUTATIONS:

- Henry Bradshaw
- Lyndon B. Fredericks
- Charles Felix
- Mark King
- Juan Martinez
- Maxwell McIntosh
- Roberto Rojas Smalls
- Reuben Vigilant

Supporters of Damon John, who many believe was wrongly accused of murder, had waged a [fierce campaign online](#) for his release [following a Consortium article](#) making known that the governor was reviewing roughly 100 pardon requests. Mr. John's supporters have been advocating for his release for many years, and in 2014 produced a documentary detailing what they believe were the many inconsistencies with the case that led to his conviction. (Watch video atop this story.)

Granting pardons during a governor's last days in office is nothing new; former Governor John P. de Jongh pardoned [16 individuals](#) at the end of this tenure, including one individual with a murder record.

Of the 16 who received pardons from Mr. de Jongh, 10 were residents of St. Thomas, while the others were spread between St. Croix, persons living on the mainland, and a few who were born on neighboring islands, including a native of St. Kitts.

The one pardon that released a criminal of his second-degree murder record was granted to Avery Lans, born on July 28, 1967. According to the document, Mr. Lans was sentenced in 1989 and after serving 25 years in prison, was released in 2009.

Providing his reasons for granting the pardon, de Jongh wrote: "Taking together the facts and circumstances of the underlying conduct of the offense charged, and the fact that Avery Lans has no criminal history since the commission of the subject crime, the issuance of a pardon is warranted."

[Watch the original video](#)

