

December 28, 2011

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Mr. Donald D. Fries,
Director, Executive Clemency
97 Central Avenue
Albany, New York 12206

Dear Mr. Fries,

My name is Ronni Berger. I am writing on behalf of my brother Richard Berger, #86-C-0790, who is currently an inmate at the Sullivan County Correctional Facility in Fallsburg, NY. Rick has been in prison for 27 years and is now eligible for executive clemency. I appeal to you both on a practical, as well as a compassionate level, and urge you to consider and review Rick's entire case file, including the manner in which he has served his sentence thus far. Mine will be one of many supportive letters that you will receive on Rick's behalf.

In 1985, my brother was a punk 24-year-old with more bravado than brains. I can't really even tell you why he's in jail. I know what they said he did. I know what he was convicted of. I also know he says he didn't do it. I know, too, that Rick sometimes lies. But is he lying about this? I don't know. I think about the term thick as thieves. Thick, as in conspiratorially close. Once upon a time, my brother, sister, and I were thick as thieves. The good kind of thick. In his early twenties, my brother became thick with actual thieves. Thieves who engaged in less than honorable behavior. My brother, in turn, became less than honorable. How much less honorable? I don't know.

At the end of the day, 27 years ago, a small gang of thieves unraveled. In the process, two people died. The circle of guilt narrowed, until it was thick no more. Each man pointed to his left. It became a he said, he said, he said, until the truth became buried. Rick's conviction was largely based on the testimony of other criminals. The truth will never be revealed. All criminals lie. That is the backbone of criminality. Some criminals, apparently, lie better than others. Where is the truth in that? Where is the justice in that? I don't know.

Here's what I do know. Rick is no longer a punk kid. He's 51, diminished in many ways by his time in prison, but never lacking in spirit or compassion, both toward his family and friends and toward his fellow inmates. He has not allowed his situation to foster bitterness. He has used his time wisely and with generosity to both improve his spiritual connection and to help improve conditions for other prisoners, including an anti-violence program, as well as a greeting card distribution program, allowing inmates the ability to maintain familial connections. Rick has served as assistant to several chaplains and has allowed his deepening faith to guide his actions and activities, while helping other Jewish inmates and serving as a resource for them..

Rick is just three years older than me. Not very many years in the scheme of things. But the gap between us is miles wide. Impossible to measure. Impossible to cross. He is alive, but in the narrowest sense. Unable to move about freely. Largely confined to a box. Weighted down by the burden of his past mistakes and associations. He is still connected to his family, but apart. Absent at family gatherings. A ghost figure to the niece and nephew he's barely met. A cautionary tale to a generation of younger cousins.

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Twenty-seven years ago, the courts showed no mercy toward my brother. Did my brother deserve some measure of mercy then? He likely did, but it was not to be had. Has he already paid a terrible and just price? Absolutely. Does he deserve your mercy now? I believe he does. Whatever his true failings, they occurred a lifetime ago, by a person that no longer exists.

They say that prison hardens you, and while I don't doubt that, I also think it gives you perspective that you might not otherwise have gained. It serves as a major re-ordering of priorities. No prison journey is problem free, least of all my brother's. That is the unfortunate nature of prison life - no one moves through it unscathed. You're in the wrong place, at the wrong time -- all the time. There's nothing like being stripped bare, however - physically, mentally, spiritually - and having to rebuild yourself from scratch. My brother has re-built himself - finding solace in a religion he always belonged to, but never leaned on before. Finding satisfaction in small labors that benefit others, and not just himself. He is now able to hear the words of a Rabbi, find meaning in them, and apply it to his actions. That was not always the case. Is inward and outward change not the desired outcome of a prison sentence, and one of the prime reasons for consideration of clemency? That change does exist within my brother.

The average person's knowledge of prison and its inhabitants comes from the movies. My family has sat on both sides of the barbed wire fence. Our knowledge is intimate and painful. What the movies don't ever show is the long term impact on a prisoner's family, who, like their incarcerated son or brother or sibling, are held in limbo. Waiting for that day when they can all be reunited, when they can all breathe again. In some ways, I haven't breathed properly in twenty-seven years. My father took his last breath seven months ago, supportive to his dying day, but never knowing how this will end. From the outside looking in, years pass - you live your life, you change jobs and apartments, your extended family expands and decreases -- and all the while, you wait. From the inside looking out, you also wait and you watch the cycle of birth, death, marriage, divorce - but from a distance. Unlike some prisoners, my brother has a large family on the outside, filled with siblings, a mother, aunts, uncles, cousins - a family who is interested and invested in his well-being, who would welcome his homecoming and give him the support (financial, moral, and otherwise, including gainful employment) that he would need to re-adapt to life on the outside to live peacefully and meaningfully. He (and we) have more than paid for whatever may have happened a lifetime ago. I do recognize that two families will never regain their loved ones, but I also recognize that there is no further justice to be served by keeping my brother imprisoned. His time for mercy is here and it is in your power to grant him the opportunity to live freely and to continue to be the person he has become and was always meant to be.

Thank you in advance for your consideration and review of Rick's case.

Sincerely,

Ronni Berger