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DOCUMENT NAME:

**U.S. PARDON AND CLEMENCY
RULES AND PETITION
APPLICATIONS**

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PETITION FOR COMMUTATION (REDUCTION) OF SENTENCE FEDERAL CONVICTIONS ONLY

Under the Constitution, the President has the authority to commute, or reduce, a sentence imposed upon conviction of a *federal* offense, including for convictions obtained in the United States District Courts and the Superior Court of the District of Columbia.

The President cannot commute a sentence for a state criminal offense. Accordingly, if you are seeking clemency for a state criminal conviction, you should not complete and submit this petition. Instead, you should contact the Governor or other appropriate authorities of the state where the conviction occurred (e.g., the state board of pardons and paroles) to determine whether any relief is available to you under state law.

*Information and Instructions on Commutations and Remissions
Please Read Carefully Before Completing Commutation Form*

1. Submit the petition to the Office of the Pardon Attorney

All petitions for commutation of sentence should be forwarded to the [Office of the Pardon Attorney](#), U.S. Department of Justice. The completed commutation petition must be entirely legible; therefore, please type or print in ink. The form must be completed fully and accurately in order to be considered. You may attach to the petition additional pages and documents that amplify or clarify your answer to any question.

2. Federal convictions only

Under the Constitution, the President has the authority to commute sentences for federal criminal convictions, which are those obtained in the United States District Courts. In addition, the President's clemency power extends to convictions obtained in the Superior Court of the District of Columbia. However, the President cannot commute a state criminal sentence. Accordingly, if you are seeking clemency for a state criminal conviction, you should not complete and submit this petition. Instead, you should contact the Governor or other appropriate authorities of the state where you were convicted (such as the state board of pardons and paroles) to determine whether any relief is available to you under state law.

3. Reduction of sentence only The President's clemency power includes the authority to commute, or reduce, a sentence imposed upon conviction of a federal offense, including the



authority to remit, or reduce, the amount of a fine or restitution order that has not already been paid. This form of clemency is different from a pardon after completion of sentence. Under the current regulations governing petitions for executive clemency, a person may not apply for a full pardon until at least five years after his or her release from incarceration. Accordingly, the commutation form should be used only for the purpose of seeking a reduction of sentence.

4. Completion of court challenges

Requests for commutation of a prison sentence generally are not accepted unless and until a person has begun serving that sentence. In addition, commutation requests are generally not accepted from a person who is currently challenging his or her conviction or sentence through appeal or other court proceeding. Accordingly, you should not complete and submit this petition until you have concluded all judicial challenges to your conviction and sentence and you have begun serving your sentence. You should also be aware that, in evaluating the merits of a commutation petition, clemency authorities take into consideration the amount of time the petitioner has already served and the availability of other remedies to secure the relief sought (such as parole or judicial action).

5. Special assessment

Requests for the remission of a special assessment are not accepted. The special assessment is not considered to be a fine, and should not be included in describing any fine that might have been imposed upon you.

6. Commutation of probation, supervised release, or special parole.

If you are seeking reduction of a period of probation, supervised release, or special parole, you should state that specifically on the form and set forth the particular reasons why this portion of your sentence should be reduced, including the reasons that being on probation, supervised release, or special parole would be an unusual hardship for you. You should also explain why requesting the sentencing court to grant early termination of a term of supervision, pursuant to 18 U.S.C. § 3583(e)(1) or 18 U.S.C. § 4211, is not an adequate remedy.

7. Immigration status

If you are not a citizen of the United States, you should be aware that commutation of your sentence only shortens the prison sentence and will not result in a change of your immigration status. A full pardon is the only form of executive clemency that might affect a person's immigration status; however, as noted in paragraph 3 above, a person who is currently serving a



prison term is not eligible to apply for that form of relief. Accordingly, if a detainer has been lodged against you for deportation or removal, commutation of sentence, even if granted, will not prevent your deportation or removal from the United States and may actually hasten the process. You may wish to contact the Immigration and Naturalization Service, which is the agency responsible for decisions regarding a person's immigration status, to determine whether any other relief from deportation or removal is available to you.

8. Additional criminal record

In response to question 6, you must disclose any additional arrest or charge by any civilian or military law enforcement authority, including any federal, state, local, or foreign authority, whether it occurred before or after the offense for which you are seeking commutation. Your answer should list every violation, including traffic violations that resulted in an arrest or criminal charge, such as driving under the influence. You should also include all convictions, whether or not they were counted in computing your criminal history category under the Sentencing Guidelines. Your failure to disclose any arrest, whether or not it resulted in a conviction, and every conviction may be considered a false statement.

9. Penalty for false statements

The failure to fully and accurately complete the application form may be construed as a falsification of the petition, which may provide a reason for denying your petition. In addition, the intentional falsification of a document submitted to the government may subject you to criminal punishment, including up to five years' imprisonment and a \$250,000 fine. *See* 18 U.S.C. §§ 1001 and 3571.

10. Exclusive Presidential authority

The power to commute a sentence for a federal offense is vested in the President alone. It is an extraordinary remedy that is very rarely granted. No hearing is held on the commutation application by either the Department of Justice or the White House. You will be notified when a final decision is made on your petition, and there is no appeal from the President's decision to deny a clemency request. The Office of the Pardon Attorney does not disclose information regarding the nature or results of any investigation that may have been undertaken in a particular case, or the exact point in the clemency process at which a particular petition is pending at a given time. As a matter of well-established policy, the specific reasons for the President's decision to grant or deny a petition are generally not disclosed by either the White House or the Department of Justice. In addition, documents reflecting deliberative communications pertaining to presidential decision-making, such as the Department's recommendation to the President in a



clemency matter, are confidential and not available under the Freedom of Information Act. If your petition is denied, you may reapply one year after the date of denial.

IMPORTANT NOTICE To Applicants for Commutation of Sentence

The following notice is provided pursuant to the Privacy Act of 1974 to help you to understand what is involved in petitioning for executive clemency and why we need to obtain certain information about you.

The information that we request from you on the accompanying commutation of sentence application form, and in any ensuing background investigation, is needed to help provide the basis for an informed judgment about whether you should be granted clemency. This is our only purpose in asking you to complete and sign the application. You are under no obligation to furnish any information. However, if you do not provide all the information requested, we may be unable to process your application. Failure to provide your Social Security number will not prejudice your case.

Our authority for requesting the information solicited in the accompanying commutation of sentence application form is the United States Constitution, Article II, Section 2 (the pardon clause); Order No. 1798-93, 58 Fed. Reg. 53658 and 53659 (1993), codified in 28 C.F.R. §§ 1.1 *et seq.* (the rules governing petitions for executive clemency); and Order of the Attorney General No. 1012-83, 48 Fed. Reg. 22290 (1983), as codified in 28 C.F.R. §§ 0.35 and 0.36 (the authority of the Office of the Pardon Attorney).

Upon specific request, we advise anyone who asks whether a named person has been granted or denied clemency. In addition, the pendency of an application is confirmed to anyone who asks, unless extraordinary considerations of privacy are presented in a particular case that outweigh the public interest in having access to this information. If you believe such privacy considerations are present in your case, you should so inform us in writing when you submit the application.

Executive clemency files are compiled and maintained to assist the President in exercising his constitutional clemency power and are routinely made available to him, members of his staff, and other government officials concerned with clemency proceedings. The Pardon Attorney may disclose the contents of executive clemency files to anyone when the disclosure is required by law or the ends of justice. In particular, public record documents that may be compiled in the

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course of processing a clemency application, such as the judgment order from the criminal case for which commutation is sought, trial or sentencing transcripts, court opinions, and newspaper articles, are generally made available upon request by third-parties (including representatives of the news media) pursuant to the Freedom of Information Act, unless such disclosure could reasonably be expected to constitute an unwarranted invasion of the petitioner's personal privacy. In addition, unsolicited Congressional correspondence is treated in the same manner. On the other hand, non-public documents that may be compiled in the course of processing a clemency application, such as the petition and supporting documents, the presentence investigation report, the results of any background investigation, and the report and recommendation of the Department of Justice to the President, are not generally available under the Freedom of Information Act.

The foregoing rules apply to the disclosure of documents in the possession of the Department of Justice. However, the President and his immediate staff are not subject to the constraints of the Freedom of Information and Privacy Acts. Accordingly, while clemency-related documents in the possession of the White House traditionally have not been made public, they may be legally disclosed at the discretion of the President. In addition, clemency-related documents retained by the White House at the end of a presidential administration will become part of the President's official library, where they become subject to the disclosure provisions of the Presidential Records Act.

Finally, after the President has taken final action on an application, a public affairs notice is prepared describing each grant of clemency (and may be prepared for a denial of clemency in cases of substantial public interest). A copy of each warrant of clemency is maintained in this office as a public and official record. Copies of the public affairs notices, clemency warrants, and lists of recent clemency recipients are routinely made available to the public upon request.

[Commutation Form](#) - *You must have Adobe Acrobat version 7 or higher to view this form. Download free [Adobe Acrobat Reader](#).*



PETITION FOR PARDON AFTER COMPLETION OF SENTENCE FEDERAL CONVICTIONS ONLY

Under the Constitution, the President has the authority to grant pardon for *federal* offenses, including those obtained in the United States District Courts, the Superior Court of the District of Columbia, and military courts-martial.

The President cannot pardon a state criminal offense. Accordingly, if you are seeking clemency for a state criminal conviction, you should not complete and submit this petition. Instead, you should contact the Governor or other appropriate authorities for the state where the conviction occurred (e.g., the state board of pardons and paroles) to determine whether any relief is available to you under state law.

Five Year Waiting Period

Under the Department's rules governing petitions for executive clemency, there is a minimum waiting period of five years after completion of sentence before anyone convicted of a federal offense becomes eligible to apply for a presidential pardon. The waiting period begins on the date of the petitioner's release from confinement. Alternatively, if the conviction resulted in probation or a fine, but no term of imprisonment, the waiting period begins on the date of sentencing.

A waiver of any portion of the waiting period is rarely granted and then only in the most exceptional circumstances. In order to request a waiver, you must complete the pardon application form and submit it with a letter explaining why you believe the waiting period should be waived in your case.

*Information and Instructions on Pardons
Please read carefully before completing the pardon application*

1. Submit the petition to the Office of the Pardon Attorney

All petitions, except petitions relating to military offenses (see paragraph 6 below), should be forwarded to the [Office of the Pardon Attorney](#), Department of Justice. The completed pardon petition must be entirely legible; therefore, please type or print in ink. The form must be completed fully and accurately in order to be considered. You may attach to the petition additional pages and documents that amplify or clarify your answer to any question.



2. Federal convictions only

Under the Constitution, only federal criminal convictions, such as those obtained in the United States District Courts, may be pardoned by the President. In addition, the President's pardon power extends to convictions obtained in the Superior Court of the District of Columbia and military court-martial proceedings. However, the President cannot pardon a state criminal offense. Accordingly, if you are seeking clemency for a state criminal conviction, you should not complete and submit this petition. Instead, you should contact the Governor or other appropriate authorities of the state where you reside or where the conviction occurred (such as the state board of pardons and paroles) to determine whether any relief is available to you under state law. If you have a federal conviction, information about the conviction may be obtained from the clerk of the federal court where you were convicted.

3. Five-year waiting period required

Under the Department's rules governing petitions for executive clemency, 28 C.F.R. §§ 1.1 *et seq.*, a minimum waiting period of five years after completion of sentence is required before anyone convicted of a federal offense becomes eligible to apply for a presidential pardon. The waiting period, which is designed to afford the petitioner a reasonable period of time in which to demonstrate an ability to lead a responsible, productive and law-abiding life, begins on the date of the petitioner's release from confinement. Alternatively, if the conviction resulted in a sentence other than a term of imprisonment, such as probation or a fine, the waiting period begins on the date of sentencing. In addition, the petitioner should have satisfied the penalty imposed, including all probation, parole, or supervised release. Moreover, the waiting period begins upon release from confinement for your most recent conviction, whether or not this is the offense for which pardon is sought. You may make a written request for a waiver of this requirement. However, waiver of any portion of the waiting period is rarely granted and then only in the most exceptional circumstances. In order to request a waiver, you must complete the pardon application form and submit it with a cover letter explaining why you believe the waiting period should be waived in your case.

4. Reason for seeking pardon

In answering question 20, you should state the specific purpose for which you are seeking pardon and, if applicable, attach any relevant documentary evidence that indicates how a pardon will help you accomplish that purpose (such as citations to applicable provisions of state constitutions, statutes, or regulations, or copies of letters from appropriate officials of administrative agencies, professional associations, licensing authorities, etc.). In addition, you should bear in mind that a presidential pardon is ordinarily a sign of forgiveness and is granted in



recognition of the applicant's acceptance of responsibility for the crime and established good conduct for a significant period of time after conviction or release from confinement. A pardon is not a sign of vindication and does not connote or establish innocence. For that reason, when considering the merits of a pardon petition, pardon officials take into account the petitioner's acceptance of responsibility, remorse, and atonement for the offense.

5. Multiple federal convictions

If you have more than one federal conviction, the most recent conviction should be shown in response to question 2 of the petition and the form completed as to that conviction. For all other federal convictions, including convictions by military courts-martial, the information requested in questions 2 through 6 of the petition should be provided on an attachment. Any federal charges not resulting in conviction should be reported in the space provided for prior and subsequent criminal record (question 7).

6. Pardon of a military offense

If you are requesting pardon of a court-martial conviction only, you should submit your completed petition directly to the Secretary of the military department that had original jurisdiction in your case, completing questions 2 through 6 and question 15 of the petition form to show all pertinent information concerning your court-martial trial and conviction. The addresses for submitting a request for a pardon of a court-martial conviction are as follows:

Secretary of the Army
Department of the Army
Pentagon
Washington, DC 20310

Secretary of the Navy
Department of the Navy
Pentagon
Washington, DC 20350

Secretary of the Air Force
Department of the Air Force
Pentagon
Washington, DC 20330

Pardon of a military offense will not change the character of a military discharge. An upgrade or



other change to a military discharge may only be accomplished by action of the appropriate military authorities. To apply for a review of a military discharge, you should write to the relevant military branch, at the address listed below:

Army Review Boards Agency
1901 South Bell Street
Arlington, Virginia 22202-4508

Secretary of the Navy
Naval Council of Personnel Records
702 Kennon Street, SE
Suite 309
Washington Navy Yard, DC 20374-5023

Air Force Review Boards Agency
SAS/MRBR
550C Street West Suite 40
Randolph Air Force Base, Texas 78150-4742

7. Additional arrest record

In response to question 7, you must disclose any additional arrest or charge by any civilian or military law enforcement authority, including any federal, state, local, or foreign authority, whether it occurred before or after the offense for which you are seeking pardon. Your answer should list every violation, including traffic violations that resulted in an arrest or criminal charge, such as driving under the influence. Your failure to disclose any such arrest, whether or not it resulted in conviction, may be construed as a falsification of the petition.

8. Credit status and civil lawsuits

In response to question 14, you must list all delinquent credit obligations, whether or not you dispute them. You must also list all civil lawsuits in which you were named as a party, whether as plaintiff or defendant, including bankruptcy proceedings. You must also list all unpaid tax obligations, whether federal, state, or local. You may submit explanatory material in connection with any of these matters (such as an agreed method of payment for indebtedness).

9. Character references

At least three character affidavits must accompany the petition. If you submit more than three,



you should designate the three persons whom you consider to be primary references. The affidavit forms provided are preferred. However, letters of recommendation may be substituted if they contain the full name, address, and telephone number of the reference, indicate a knowledge of the offense for which you seek pardon, and bear a notarized signature. Persons related to you by blood or marriage cannot be used as primary character references.

10. Effect of a pardon

While a presidential pardon will restore various rights lost as a result of the pardoned offense and should lessen to some extent the stigma arising from a conviction, it will not erase or expunge the record of your conviction. Therefore, even if you are granted a pardon, you must still disclose your conviction on any form where such information is required, although you may also disclose the fact that you received a pardon. In addition, most civil disabilities attendant upon a federal felony conviction, such as loss of the right to vote and hold state public office, are imposed by state rather than federal law, and also may be removed by state action. Because the federal pardon process is exacting and may be more time-consuming than analogous state procedures, you may wish to consult with the appropriate authorities in the state of your residence regarding the procedures for restoring your state civil rights.

11. Scope of investigation

Pardon officials conduct a very thorough review in determining a petitioner's worthiness for relief. Accordingly, you should be prepared for a detailed inquiry into your personal background and current activities. Among the factors entering into this determination are the nature, seriousness and recentness of the offense, your overall criminal record, any specific hardship you may be suffering because of the conviction, and the nature and extent of your post-conviction involvement in community service, or charitable or other meritorious activities. We encourage you to submit information concerning your community contributions.

12. Exclusive Presidential authority

The power to grant pardons is vested in the President alone. No hearing is held on the pardon application by either the Department of Justice or the White House. You will be notified when a final decision is made on your petition, and there is no appeal from the President's decision to deny a clemency request. The Office of the Pardon Attorney does not disclose information regarding the nature or results of any investigation that may have been undertaken in a particular case, or the exact point in the clemency process at which a particular petition is pending at a given time. As a matter of well-established policy, the specific reasons for the President's decision to grant or deny a petition are generally not disclosed by either the White House or the



Department of Justice. In addition, documents reflecting deliberative communications pertaining to presidential decision-making, such as the Department's recommendation to the President in a clemency matter, are confidential and not available under the Freedom of Information Act. If your petition is denied, you may submit a new petition for consideration two years from the date of denial.

IMPORTANT NOTICE To Applicants for Pardon

The following notice is provided pursuant to the Privacy Act of 1974 to help you to understand what is involved in petitioning for pardon and why we need to obtain certain information about you.

The information that we request from you on the accompanying pardon application form, and in any ensuing background investigation, is needed to help provide the basis for an informed judgment about whether you should be granted a pardon. This is our only purpose in asking you to complete and sign the application and, if necessary, requesting that an investigation be made into your character and activities. You are under no obligation to furnish any information. However, if you do not provide all the information requested, we may be unable to process your application. Failure to provide your Social Security number will not prejudice your case.

Our authority for requesting the information solicited in the accompanying pardon application form is the United States Constitution, Article II, Section 2 (the pardon clause); Order No. 1798-93, 58 Fed. Reg. 53658 and 53659 (1993), codified in 28 C.F.R. §§ 1.1 *et seq.* (the rules governing petitions for executive clemency); and Order of the Attorney General No. 1012-83, 48 Fed. Reg. 22290 (1983), as codified in 28 C.F.R. §§ 0.35 and 0.36 (the authority of the Office of the Pardon Attorney).

In the course of investigating your application, an agent of the United States Government may interview you and those persons who have executed character affidavits or have written letters of reference on your behalf. In addition, neighbors, former and present employers, associates, and other individuals who may be able to provide relevant information concerning you may be interviewed. While such inquiries are made discreetly and a reasonable effort is made not to disclose the underlying nature of the investigation, we cannot assure you that the reason for the inquiry will not become known to some or all of the persons interviewed.

Upon specific request, we advise anyone who asks whether a named person has been granted or denied clemency. In addition, the pendency of an application is confirmed to anyone who asks, unless extraordinary considerations of privacy are presented in a particular case that outweigh

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the public interest in having access to this information. If you believe such privacy considerations are present in your case, you should so inform us in writing when you submit the application.

Executive clemency files are compiled and maintained to assist the President in exercising his constitutional pardon power and are routinely made available to him, members of his staff, and other government officials concerned with clemency proceedings. The Pardon Attorney may disclose the contents of executive clemency files to anyone when the disclosure is required by law or the ends of justice. In particular, public record documents that may be compiled in the course of processing a clemency application, such as the judgment order from the criminal case for which pardon is sought, trial or sentencing transcripts, court opinions, and newspaper articles, are generally made available upon request by third-parties (including representatives of the news media) pursuant to the Freedom of Information Act, unless such disclosure could reasonably be expected to constitute an unwarranted invasion of the petitioner's personal privacy. In addition, unsolicited Congressional correspondence is treated in the same manner. On the other hand, non-public documents that may be compiled in the course of processing a clemency application, such as the petition and supporting documents, the presentence investigation report, the results of any background investigation, and the report and recommendation of the Department of Justice to the President, are not generally available under the Freedom of Information Act.

The foregoing rules apply to the disclosure of documents in the possession of the Department of Justice. However, the President and his immediate staff are not subject to the constraints of the Freedom of Information and Privacy Acts. Accordingly, while clemency-related documents in

the possession of the White House traditionally have not been made public, they may be legally disclosed at the discretion of the President. In addition, clemency-related documents retained by the White House at the end of a presidential administration will become part of the President's official library, where they become subject to the disclosure provisions of the Presidential Records Act.

Finally, after the President has taken final action on an application, a public affairs notice is prepared describing each grant of clemency (and may be prepared for a denial of clemency in cases of substantial public interest). A copy of each warrant of clemency is maintained in this office as a public and official record. Copies of the public affairs notices, clemency warrants, and lists of recent clemency recipients are routinely made available to the public upon request.

Forms Required for Pardon Application

[Petition For Pardon Application](#)

- You must have Adobe Acrobat version 7 or higher to view this form. Download free [Adobe Acrobat Reader](#).