

COLORADO***Applicable Forms of Executive Clemency***

The Colorado Constitution, Article IV, Section 7, states, "The governor shall have the power to grant reprieves, commutations and pardons after conviction for all offenses except treason, and except in case of impeachment, subject to such regulations as may be prescribed by law relative to the manner of applying for pardons, but he shall in every case where he may exercise this power, send to the general assembly at its first session thereafter, a transcript of the petition, all proceedings, and reasons for his action."

Eligibility Restrictions

A prisoner who has committed a violent crime against a peace officer (i.e., assault on a law enforcement officer, riot, etc.) is not eligible.

A prisoner applying for clemency must be in a facility of confinement such as a prison, jail, community placement, private or public contract facility, or out-of-state facility. If the prisoner is within fifteen months of parole eligibility, he or she is not eligible to apply for clemency.

A prisoner serving a single life sentence must have served one third of his or her sentence, or ten full years, whichever is less. If serving a life sentence with consecutive sentences which have been adjusted by the Department of Corrections, or legislative action, he or she must serve ten full years before being eligible for a commutation.

A prisoner serving a sentence other than that mentioned in this section must serve one third of his or her actual sentence, or ten full calendar years, whichever is less.

If a prisoner was convicted of any code of penal discipline class I or II violation(s) within a two year period prior to submitting an application, or is housed in administrative segregation, he or she is not eligible for a commutation.

No prisoner is eligible for a commutation who was on probation at the time the crime being proposed for a commutation was committed.

Any parole violator who has been charged with and convicted of a new crime is not eligible to apply for a commutation, but is eligible to apply for a commutation of the new sentence provided he or she meets the current eligibility criteria.

A prisoner who has pending charges or appeals, or has not exhausted all other judicial remedies, is not eligible for clemency review.

Waiver of Ineligibility Criteria

The governor and the Department of Corrections' director may grant a waiver of ineligibility criteria in cases involving a medical emergency, or for compelling cases that demonstrate catastrophic medical and/ or mental health issues, or a unique situation (i.e., heroism, severe sentence disparity, or rehabilitation).

A prisoner may reapply after four years from receipt of official notification of a denial from the governor or the governor's clemency coordinator. Cases not reviewed, or tabled, are terminated within one year of the date of application.

Application Process

A prisoner may start the application process for a commutation with the assistance of a Department of Corrections' case manager. He or she must complete an Executive Clemency Advisory Board (ECAB) Application Eligibility Criteria for Commutation of Sentence & Character Certificate.

The attachments to be included with an application are: a personal letter to the governor stating specific reasons and circumstances for requesting clemency; a Performance Review Summary (PRS) conducted within the ninety days prior to the prisoner's clemency request; an Admission Data Summary and Diagnostic Summary completed at the time of the prisoner's arrival at DOC; psychological and psychiatric reports that include diagnostic information from clinical staff or contractors; reports of disciplinary actions and sanctions (including investigative reports, if applicable); the prisoner's most recent time computation; a current FBI record of arrest; detainers and notifications requests, or other pertinent law enforcement communications; any pre-sentence investigation report and/ or offense report; any reports of adjustment to community placement (if applicable); a current report containing a diagnosis, prognosis, and recommendations of any existing serious medical or mental health issues; as well as any additional documents, references, or exhibits that would assist the governor in making an informed decision.

Copies of the completed application are sent to the sentencing judge and district attorney in the judicial district where the conviction was obtained. Colorado law requires that the ECAB obtain comments from the appropriate judge and the district attorney, if applicable; ECAB makes every attempt to contact victim(s) or family member(s) associated with the crime.

Clemency applications are routinely reviewed by ECAB for recommendation. The governor has final discretion to grant, refuse, or table any clemency application.

An application may take six to twelve months to process. The prisoner's case manager will process the prisoner's application with the assistance of the Department of Corrections' offender services. The governor's clemency coordinator will notify the prisoner of the governor's final decision.

The clemency process may be started by requesting forms from an institutional case manager, or requesting the forms from the address below.

Executive Chambers
136 State Capitol
Denver, CO 80203
Telephone: (303) 866-2471

DELAWARE

Applicable Forms of Executive Clemency

The Delaware Constitution, Article VII, Sections 1 and 2, states, "The governor shall have the power to remit fines and forfeitures and to grant reprieves, commutations of sentence and pardons, except in cases of impeachment; but no pardon... shall be granted, nor sentence commuted, except upon the recommendation in writing of a majority of the Board of Pardons, after full hearing. The Board of Pardons shall be composed of the chancellor, lieutenant governor, secretary of state, state treasurer and auditor of account."

The Board of Pardons is a separate entity that has the authority to make recommendations to the governor for or against pardons, reprieves, commutations of sentence, and executive clemency. The governor may not grant a pardon or commutation in the absence of a recommendation from the Board. The governor is not bound to accept the Board's recommendation but exercises an independent judgment in all cases.

Eligibility

All prisoners are eligible to apply for a commutation of sentence. Any other form of clemency is dependent upon the circumstances of each particular case.

Application Process

Applications for a pardon or commutation are made in writing through the Secretary of State's Office, who acts as the secretary of the Board. The Board meets monthly and hears every application it receives. Prisoners may, and are encouraged to, represent themselves before the Board when their cases are scheduled for presentation. The hearings are public. Any person with an interest in the matter will normally be given an opportunity to speak. Decisions of the Board are often made in executive session where discussion and debate of the record may occur. The result is recorded and filed in the Secretary of State's Office, who in turn notifies the governor.

The Board requires those applying for a pardon or commutation to notify the judge who imposed the sentence, the attorney general, the chief of police having jurisdiction over the place where the crime occurred, and the superintendent of the Delaware State Police. This requirement may be met by writing a letter, stating that a petition for a commutation is being filed with the Secretary of State's Office and that the petition will be heard at the earliest date, as determined by the Board of Pardons. The letter must also include: prisoner's name and DOC ID number, current address, date of birth, offense(s) and date of conviction(s), and the applicant's reason(s) for applying for a pardon or commutation. A notarized affidavit of mailing must also accompany the letter, listing the names and addresses of each person notified.

The attorney general is responsible for notifying victim(s) and/or their family member(s) when a prisoner applies for a pardon or commutation. The attorney general will present the position of the victim(s). The Board requests that a legal representative from the attorney general's office attend all sessions of the Board.

APPENDIX

The clemency process may be started by requesting forms from the address below.

**Secretary of State's Office
401 Federal Street, Suite 3
Dover, DE 19901**

MASSACHUSETTS

Applicable Forms of Executive Clemency

The governor of Massachusetts has the authority to grant pardons, reprieves, and commutations for any offense against the State of Massachusetts, except in cases of impeachment.

Eligibility

All prisoners are eligible to apply for a commutation of sentence. Any other form of clemency is dependent upon the circumstances of each particular case.

Application Process

To aid the Advisory Board of Pardons (ABP) in reviewing commutation petitions and in making its recommendations to the governor, the governor has established guidelines. Any other form of clemency will be considered upon its own set of facts and circumstances.

A prisoner seeking a commutation bears the responsibility of demonstrating, by clear and convincing evidence, that he or she has made exceptional strides toward self-development and self-improvement and would be a law-abiding citizen; or is suffering from a life-threatening illness or has a severe and chronic disability which would be mitigated by release from prison; or further incarceration would be grossly unfair due to his or her participation in the offense; or the severity of the sentence received in relation to the sentence(s) received by codefendant(s); or there is a history of abuse suffered by the prisoner at the hands of the victim that significantly contributed to or brought about the offense.

The governor will consider a petition for a commutation that meets these guidelines and has an unanimous recommendation from the ABP. If a petition receives a majority, but not a unanimous recommendation, the governor may act on it, or return it for further action by the ABP. If the governor disagrees with the ABP's recommendation, he or she may deny relief, but will state, where appropriate, the action the prisoner should take to maximize the potential for a favorable consideration in the future.

When the ABP recommends that a petition be denied and the governor does not render a decision within a hundred and twenty days of the ABP's recommendation being submitted, it will be presumed that the governor concurs with the ABP and the petition will be denied, notifying the prisoner in writing.

The ABP's report and recommendation to the governor must include a summary of the evidence presented at any public hearing, including the support the prisoner received in the institution, in the community, the nature and extent of the opposition to the petition, and the names and addresses of those in support and in opposition; an institutional progress report showing responsible use of available rehabilitative programs; a description of realistic community correctional and parole programs available to continue the prisoner's rehabilitation, if applicable; a plan for reintegrating the prisoner into normal community life, if applicable; and the ABP's vote and recommendation.

APPENDIX

The governor will make a final decision to grant clemency, or return the petition to the ABP for further action or to request more information. The prisoner will be notified in writing of the final decision.

The clemency process may be started by requesting clemency forms from the address below.

**The Commonwealth of Massachusetts
Governor's Council
State House, Room 184
Boston, MA 02133
Telephone: (617) 725-4015**

PENNSYLVANIA***Applicable Forms of Executive Clemency***

The governor of Pennsylvania has the authority to grant pardons, reprieves, and commutations, and to remit fines and forfeitures after conviction for any offense against the State of Pennsylvania, except in cases of impeachment.

Eligibility

All prisoners are eligible to apply for a conditional commutation of sentence. Any other form of clemency is dependent upon the circumstances of each particular case.

Application Process

The prisoner must submit the original clemency application and ten photocopies to the Pennsylvania Board of Pardons. Six photocopies of all supporting documents must also be included. All questions must be answered in the prisoner's own words, and he or she must personally sign and date where indicated. If the Board has questions regarding the prisoner's application, the person he or she names as a representative will be contacted.

The application must also be accompanied with a twenty dollar, non-refundable filing fee, in the form of a cashier's or certified check, money order, or institution check, made payable to the Commonwealth of Pennsylvania. The Board may waive the filing fee upon proof of indigence. The official form to proceed without payment of the filing fee may be obtained from the secretary of the Board and filed in lieu of the fee.

The Board will grant a public hearing on the application if two of the five Board members approve. When all information has been compiled, a hearing will be scheduled. The person representing the prisoner will be notified whether or not a hearing has been granted, and, if so, will be informed of its time and place. Before the hearing, a legal notice will be published in a newspaper of general circulation in the county where the offense occurred. The notice will include the prisoner's name, conviction, and the date and place where the hearing will be held. Publication is required for every application heard by the Board.

The Board consists of the lieutenant governor, attorney general, and three members appointed by the governor with consent of a majority of the members.

The prisoner may not appear at a hearing. He or she may designate another person to appear on his or her behalf—either privately retained legal counsel or a requested representative from the Department of Corrections.

At a hearing, fifteen minutes will be allotted for argument in support of the application, and an equal amount of time will be allotted for argument in opposition to the application. In death penalty cases, thirty minutes will be allotted for each side.

APPENDIX

Following the hearing, the Board will issue a recommendation and submit the case to the governor for review and a final decision. The prisoner will be notified of the Board's decision within fourteen days of the hearing.

If probation or parole is violated following any granting of commutation, or if the prisoner is convicted of a new offense, the commutation will be voided and revoked.

The clemency process may be started by requesting clemency forms from the address below.

Pennsylvania Board of Pardons
333 Market Street, 15th Floor
Harrisburg, PA 17126
Telephone: (717) 787-2596

TENNESSEE***Applicable Forms of Executive Clemency***

The governor of Tennessee has the authority to grant pardons, reprieves, and commutations after conviction for any offense against the State of Tennessee, except in cases of impeachment.

Eligibility

All prisoners are eligible to apply for a commutation of sentence. Any other form of clemency is dependent upon the circumstances of each particular case.

Application Process

The Board of Probation and Parole Executive Clemency Unit is responsible for processing pardon, commutation, and exoneration applications. In preparing an application, the prisoner should attach a cover letter specifying which type of relief he or she is requesting.

When an application is received, it is forwarded to the Board members for review to determine if a hearing is warranted. The prisoner will be advised in writing whether or not a hearing will be granted. If the hearing is granted, the Board will make a non-binding recommendation to the governor as to whether or not clemency should be granted. The governor considers both favorable and unfavorable recommendations. The prisoner will be notified of the Board's recommendation and the governor's final decision in writing.

The governor will give serious consideration to commutation of sentence requests where the prisoner has demonstrated, by clear and convincing evidence, that he or she has made exceptional strides in self-development and improvement, and would be a law-abiding citizen. The prisoner must provide information indicating that he or she has been rehabilitated; is no longer a threat to society; has demonstrated, to the extent his or her age and health permits, a desire and an ability to maintain gainful employment, and fairness supports the prisoner's application; or is suffering from a terminal illness or has a severe and chronic disability that would be substantially improved by release from incarceration.

The clemency process may be started by requesting clemency forms from the address below.

**Board Operation Division
State of Tennessee
404 James Robertson Parkway, Suite 1300
Nashville, TN 27243
Telephone: (615) 741-1150**

WISCONSIN

Applicable Forms of Executive Clemency

The governor of Wisconsin has the authority to grant pardons, reprieves, and commutations after conviction for any offense against the State of Wisconsin.

Eligibility

Executive clemency rules require the prisoner to obtain an Eligibility Rule Waiver from the Wisconsin Pardon Advisory Board, permitting him or her to apply for clemency while incarcerated. A waiver will be granted if the prisoner can demonstrate that there are extraordinary circumstances showing that he or she should be eligible to apply.

If the prisoner's application is denied, he or she may reapply no sooner than eighteen months after the date of denial.

Application Process

The prisoner must first obtain a waiver, and may request an Eligibility Rule Waiver form from the Board. If the waiver request is accepted, the prisoner will be mailed application to be completed and returned.

Each application is handled on a case by case basis. Some of the factors considered by the Board and the governor include: the seriousness of the offense, whether a significant and documented need for clemency exists, the prisoner's criminal record, the length of time since the offense occurred, the prisoner's personal development and progress since the offense was committed, and community or other civic service performed by the prisoner.

The prisoner is not required to retain an attorney to file for executive clemency. It is suggested that the prisoner obtain and submit letters from friends, family, etc., recommending clemency.

The prisoner must submit a certified copy of his or her judgment of conviction, criminal complaint, and docket (sometimes called the judgment roll or minutes).

The application includes forms that must be sent to the prisoner's sentencing judge, prosecuting attorney, and warden informing them of the clemency application. The prisoner must also inform a local newspaper, in the county where the offense occurred, that he or she is requesting clemency with the forms provided by the Board.

Once the application is returned, the prisoner will be notified, via mail, when and where his or her Board hearing will be held. The Board meets several times a year. Although there is no requirement that the prisoner appear at the hearing, it is highly recommended. The Board will ask the prisoner questions and the prisoner will be afforded an opportunity to present his or her reason for seeking a pardon or commutation of sentence. The hearing will be open to the public and media. When possible, family, friends, and other supporters will be permitted to speak on the prisoner's behalf. The prisoner will appear before the Board for about fifteen minutes.

APPENDIX

The Board consists of six members, including representatives from the Department of Justice, the Department of Corrections, three members of the public, and (typically) the governor's legal counsel. Each member is appointed by the governor.

The Board meets after the hearing, votes whether to make a positive or negative recommendation, and forwards its recommendation to the governor. The governor reviews the prisoner's file and makes the final decision to grant or deny clemency. The prisoner will be notified of the final decision in writing.

The clemency process may be started by requesting an Eligibility Rule Waiver form from the address below.

**Pardon Advisory Board
Office of the Governor
State Capitol
Room 115 East
P.O. Box 7863
Madison, WI 53707
Telephone: (608) 266-1212**