

Federal Clemency: A Very Brief Guide

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Here are some tips for filling out and submitting your federal clemency petition.

Step One: Get the right application

Almost all people seeking clemency want either a commutation or a pardon. If you are in prison, you probably want a commutation. If you have completed your sentence, you probably want a pardon. There are separate petition forms for each, which you can get from the Pardon Attorney's website (<https://www.justice.gov/pardon>) or the prison library (maybe).

1. *Commutation*: The President can reduce a federal sentence or a sentence imposed in the Superior Court of the District of Columbia. A commutation can provide relief from a prison sentence, fine, and/or restitution. The petition form is here: <https://www.justice.gov/pardon/apply-commutation>
2. *Pardon*: The President can pardon a person who was convicted in a U.S. District Court, the Superior Court of the District of Columbia, or a military court-martial. A pardon can help eliminate some of the collateral consequences of a conviction. The petition form for a pardon is here: <https://www.justice.gov/pardon/apply-pardon>
 - a. *Note*: There is a five-year waiting period before you can apply for a pardon. This period begins from the date of release from confinement, or if there was no prison sentence, the date of sentencing.
3. *Certificates on Certain Violations of the Military Justice Act, Marijuana Possession, and Vietnam War* – please see the [Pardon Attorney website](#) for more information.

Step Two: Gather the Documents That Will Help You Fill Out Your Application:

1. The Presentence Investigation Report, prepared by the U.S. Probation Department in connection with your sentencing, can be helpful, so find it if you can. It is not essential to have this, though.
2. Judgment and Commitment Form, which reflects your sentence, including supervised release/probation and financial obligations
3. Your most recent Progress Report.

Here are some places to look for the Judgement and Commitment Form, if you don't have it and can't access it within the prison.

1. Ask your defense attorney for it.
2. Federal cases: [PACER](#) (for a fee)
3. D.C. cases: [Superior Court Case Search](#)
4. Clerk's Office
 - a. [Federal](#)
 - b. [D.C.](#)

Step Three: Fill out the technical short-answer parts of the form (Questions 1-3 for commutations, and Parts A, D-G, and I-L for a pardon). Be completely honest. If you cannot find certain information, say so rather than leaving that part blank. Use ink, not pencil.

Step Four: Complete the narrative parts of the forms (Questions 4-8 for commutations, and Parts B, C and H for a pardon).

Commutations:

Question 4: Offense Details

Take responsibility for your crimes:

- This is not the time to contest your conviction.
- Do not argue that you were not guilty, or that someone else was to blame. If there was a victim, especially do not blame them!
- Do not blame “the system,” the judge, or the prosecutor.
- Here you need to do two (and only two) things:
 - Accept responsibility for the crime you were convicted of (but nothing else). Be clear that you committed that act. Address any bad facts.
 - Recognize the harm that was done. If there was a victim, acknowledge them and knowledge that they were hurt. If you have apologized and/or otherwise made amends, note that.

Question 5: Other Criminal Record

Simple: Write “See Presentence Investigation Report.” If you have the presentence investigation report, and you think there is something missing.

Question 6: Reasons for Seeking Clemency

It is important here to start by answering the question in the first paragraph: WHY are you seeking a commutation? If there has been a big change in your life, that can be a good reason. Use the rest of the answer to tell your story more broadly—how that change in your life came about. You can add pages to the space provided.

Question 7: Rehabilitation

This part allows you to describe all the good things you have done while incarcerated. Be sure to describe what various programs are—that may not be on the records the reviewers have. Also include informal good things you have done, like helping a younger person who was struggling to adjust to prison.

Question 8: Release Plans

You should describe the following with as much specificity as you can, and back it up with support letters:

- Where you will live, and with whom.
- What work you will do.
- What continuing treatment or therapy you will pursue
- What support you will have from friends and family.

Pardons:

Part B: Reasons for Seeking Pardon

- It is important here to start by answering the question in the first paragraph: WHY are you seeking a pardon? This is the time to share how your criminal conviction is affecting your life and how those burdens would ease if you were granted a pardon. As the application notes, the more specific you can be about challenges you have faced, the better, including documentation (job rejections, etc.).
- Use the rest of the answer to tell your story more broadly—how you’ve changed since your conviction. You can add additional pages.

Part C: Community Activities

- This is your opportunity to share all of the ways that you contribute to your community and make it better. This can range from leadership or participation in a community organization to caring for and assisting family members. You should share broadly, and you can add additional pages.

Part D: Educational and Licensing Opportunities

- You should list all educational and licensing opportunities in this part. The application provides examples. You can add additional pages.

Parts D–F: Places Lived, Military Service, and Job History

- List all places lived in the last three years, any military service, and job history for the last seven years.
- If you did not serve in the military, check the “Not applicable” box.

Part H: Sobriety and Substance Abuse

- This part asks you to discuss struggles with substance abuse. If this is applicable to you, you should be honest about your experiences and efforts at treatment and maintaining sobriety.
- If you have not struggled with substance abuse, check the “Not applicable” box. Be aware, though, that if substance abuse was described in your presentence investigation report or if you have previously gone through treatment, you will need to address this in your petition.

Part I: Financial Information

- This part asks about your financial history. As the application notes, criminal convictions can impact one's ability to get a job and may carry long-term financial penalties that make it harder to attain financial stability. It is important to be honest about how your financial situation has been affected by your conviction, and how things would be easier if you received a pardon. You can add additional pages, if needed.

Part J: Case Background and Other Criminal History

- For (a) Provide the requested information about your conviction and sentence.
- For (b) Provide information conduct underlying your conviction and whether you accept responsibility for your conduct.
 - For most seeking a pardon, it's important to accept responsibility. It is extremely rare for a pardon to be granted on the basis of innocence.
 - This is not the time to contest your conviction.
 - Do not argue that you were not guilty, or that someone else was to blame. If there was a victim, especially do not blame them!
 - Do not blame "the system," the judge, or the prosecutor.
 - Here you need to do two (and only two) things:
 - Accept responsibility for the crime you were convicted of (but nothing else). Be clear that you committed that act. Address any bad facts.
 - Recognize the harm that was done. If there was a victim, acknowledge them and knowledge that they were hurt. If you have apologized and/or otherwise made amends, note that.
 - If you are seeking a pardon because you are innocent, were exonerated, or were found not guilty at trial, you should explain those circumstances.
- For (c) – "Tell us about any other criminal history": Write "See Presentence Investigation Report." If you have the presentence investigation report, and you think there is something missing.

Step Five: Support letters

If you are seeking a pardon, you must include three letters from people who are not related to you by blood or marriage (and can include more than three). For a commutation, you do not have to include letters, but they can be very helpful. The best letters come from people who have counted on you or will count on you.

Here are some things that a strong letter of support should discuss, using specific examples:

1. How you have changed since the crime(s).
2. *For a commutation*:

- a. Your growth and rehabilitation in prison.
 - b. How you will support your family and contribute to your community if released.
 - c. How the letter writer will support your release plan.
3. *For a pardon:*
 - a. How you have supported your family and contributed to your community since release.
 - b. Your reputation in the community.
 - c. Your personal and professional activities, including at work, at home, and in the community.
4. Again, it is very important for the letters writers to use specific examples relating to these areas.

Step Six: Submit Your Application:

1. Sign the Certification and Personal Oath.
2. The Office of the Pardon Attorney recommends submitting your application and supporting documents via email in PDF or Word format to:
USPardon.Attorney@usdoj.gov. However, you can also submit a petition by mailing it to this address:

U.S. Department of Justice
Office of the Pardon Attorney
950 Pennsylvania Avenue
Washington DC 20530