

# Executive Clemency



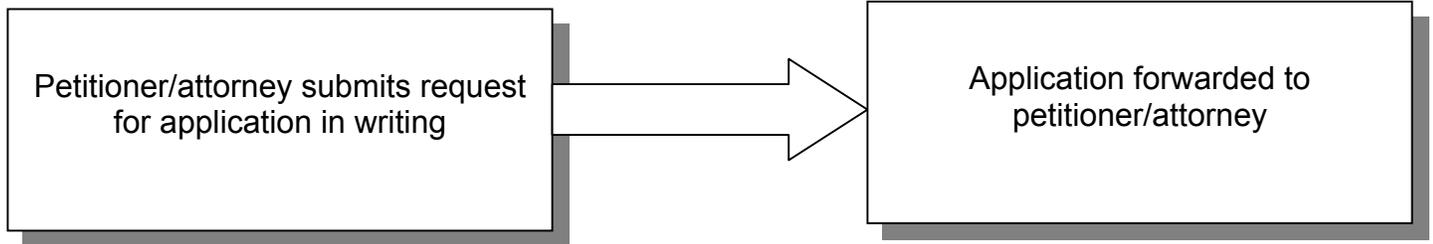
<b>Commutation</b>	<b>Pardon</b>	<b>Exoneration</b>	<b>Reprieves</b>
⇓	⇓	⇓	⇓
Substitution of a lesser sentence for a greater sentence.	Statement of forgiveness. <i>Does not delete conviction from record.</i>	Declaration of innocence. Conviction is deleted from record.	Request to delay the impending punishment or sentence.

Executive Clemency is an act of mercy or leniency providing relief from certain consequence of a criminal conviction. The Executive Clemency power includes **commutation**-*a substitution of a lesser sentence for a greater sentence*, **pardon**-*a statement of forgiveness*, and **exoneration**-*a declaration of innocence that requires written, legal documentation*. The Governor's office handles all matters concerning **reprieves**. The Executive Clemency procedures vary from state to state. Only the current Governor has the authority to grant clemency. The Governor of Tennessee can only grant clemency for Tennessee Offenses.

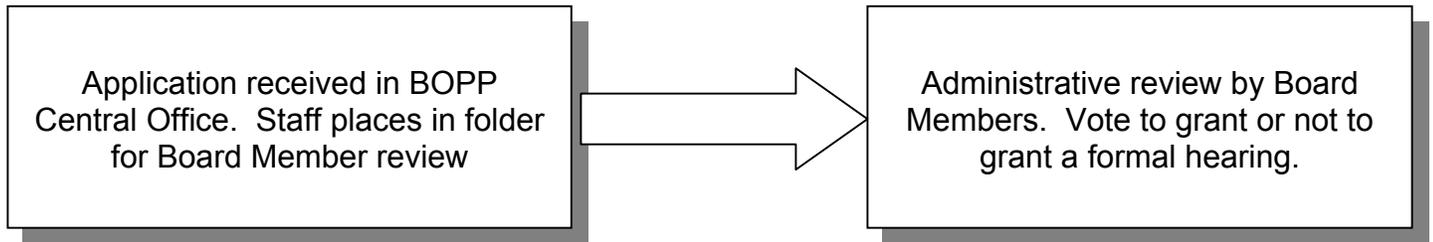
The Board of Probation and Parole Executive Clemency Unit is responsible for processing commutation, pardon, and exoneration applications. **The application is forwarded to the Board members for review to determine if a hearing is warranted.** The applicant is advised in writing if a hearing will or will not be granted. *The Board's decision may not be appealed.* 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 petitioner is notified of the Board's recommendation and the Governor's final decision in writing.

# CLEMENCY APPLICATION PROCESS

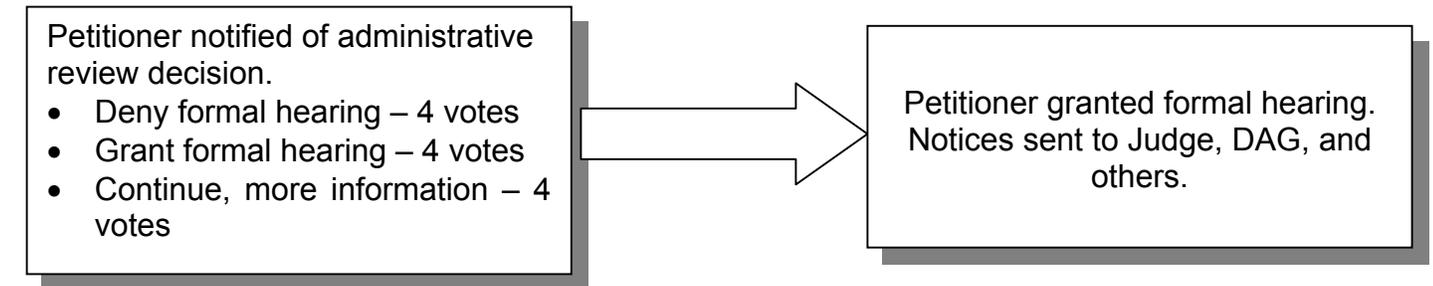
## INITIAL PROCESS



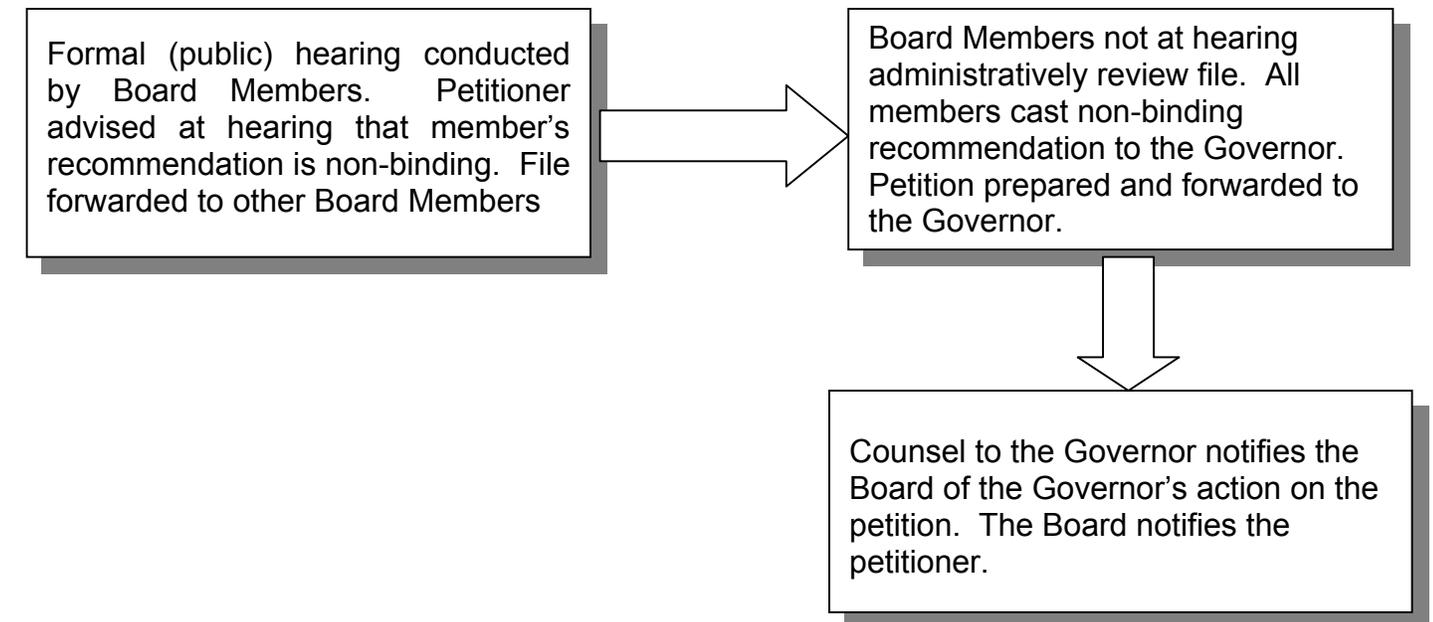
## FIRST STAGE OF FORMAL PROCESS



## SECOND STAGE OF FORMAL PROCESS



## THIRD STAGE OF FORMAL PROCESS





STATE OF TENNESSEE

PHIL BREDESEN  
GOVERNOR

## GOVERNOR'S INTERIM GUIDELINES FOR PARDONS, COMMUTATIONS & REPRIEVES

EFFECTIVE FEBRUARY 13, 2003

To the Board of Probation and Parole:

Article 3, Section 6 of Tennessee's Constitution provides that the governor shall have the power to grant pardons. The governor also has the power to grant reprieves and commutations. T.C.A. Section 40-27-101. Pursuant to T.C.A. Section 40-28-104(a)(9), the Governor hereby requests the Tennessee Board of Probation and Parole (hereinafter the "Board") to consider and to make nonbonding recommendations concerning requests for pardons, commutations, and reprieves. The Board shall have the discretion to make either favorable or unfavorable recommendations. In order to provide guidance to the Board in reviewing petitions for pardons, commutations, and reprieves, and in making its recommendations to the Governor, the Governor has established the guidelines set forth below.

The governor will consider petitions for relief forwarded to him by the Board. The Governor will notify the Board in writing of the Governor's final determination upon a petition submitted to him by the Board. The Board shall advise the petitioner of the Governor's final determination upon a petition submitted to the Governor. At any time before making a final determination on a petition, the Governor may return a petition to the Board for further action, request further information, or both.

These guidelines are advisory only and do not create any enforceable rights in the petitioner, nor do they restrict the Governor in the execution of his powers. The Governor expressly reserves the right to waive any of the non-statutory provisions set forth in these guidelines in any case deemed worthy of special consideration due to extraordinary circumstances. The Governor also expressly reserves the right to deny a petition for relief even though the petitioner meets the requirements of these advisory guidelines if the Governor deems that such a denial is warranted.

While the Governor herein requests the Board to make nonbonding recommendations with respect to executive clemency applications, nothing herein shall be construed to require that the Governor receive or requests a recommendation from the Board prior to acting upon an application for executive clemency.

State Capitol, Nashville, Tennessee 37243-0001  
Telephone No. (615) 741-2001

# APPLICATION FOR EXECUTIVE CLEMENCY INSTRUCTION SHEET

**READ ALL INSTRUCTIONS CAREFULLY BEFORE COMPLETING THE  
APPLICATION  
INCOMPLETE APPLICATIONS WILL BE RETURNED TO THE APPLICANT**

In completing the Executive Clemency applications(s), the petitioner should send a cover letter attached to the front of the application specifying what type of relief he/she is requesting. An example would be "I am seeking a Pardon of my Burglary 2<sup>nd</sup> Degree conviction that will allow me to enter a specific profession". An example of a Non-Capital Commutation would be: "I am requesting a Commutation of sentence to make me eligible for parole consideration or, to have my sentence served concurrent, or reduction of my total sentence". An example of Capital Commutation would be "I am requesting the Governor to commute my sentence of death to imprisonment for life in the penitentiary or imprisonment for life without parole in the penitentiary".

1. Type or Print all responses to each question legibly.
2. Answer every question, even if your response is "N/A" (Not Applicable).
3. Applicants must submit all verifying information, DO NOT refer to the Board of Probation and Parole for sources of verification. The Board does not investigate applications.
4. Each completed application must be notarized.
5. If documents have been submitted in the past, the applicant must re-submit current information with each application.
6. The application should only be accompanied by the designated information as specified in the Governor's criteria.
7. Applicant will be notified in writing when the Board has determined if the application meets the Governor's criteria.
8. If the Board declines an application, the reason for denial will be given, as well as, when the applicant may re-apply.
9. If the Board determines the need, anyone listed on your application may be contacted.
10. Each application must contain the applicant's signature unless the applicant is physically or mentally incapable of signing, and such is documented in a cover letter with the application.