

**STATE OF WISCONSIN
OFFICE OF THE GOVERNOR**

APPLICATION FOR EXECUTIVE CLEMENCY

Attached you will find an application for executive clemency. Please note that, in accordance with sec. 15.04(1)(m) of the Wisconsin Statutes, the materials submitted by you, or by others on your behalf, may be used for purposes other than executive clemency consideration and are subject to Wisconsin's open records laws.

EXECUTIVE CLEMENCY INFORMATION

Thank you for your interest in obtaining executive clemency. The executive clemency process can be time consuming and has many steps. Executive clemency is not automatic. It is possible that you may not currently be eligible to apply for executive clemency, and if you are eligible your application may ultimately be denied. **Therefore, it is very important that you read this packet carefully.** If you have questions after reading the entire packet, you may telephone the Governor's Office at (608) 266-1212 or write to: Office of the Governor, Pardon Advisory Board, Room 115 East, State Capitol, P.O. Box 7863, Madison, WI 53707, for assistance. Send all applications, documents, and correspondence to the above address.

I. **GENERAL INFORMATION**

1. The Governor may grant executive clemency for criminal offenses committed in Wisconsin. The Governor does not grant executive clemency for criminal offenses committed in other states or for federal crimes.
2. Executive clemency is not automatic. The Governor's Pardon Advisory Board makes a recommendation to the Governor, and the Governor makes the final decision to grant or deny an executive clemency request on the facts of each individual case.
3. **Executive clemency is an extraordinary measure and is rarely granted.**
4. Executive clemency may take three forms:
 - a. Pardon: This restores all of the person's rights which were lost due to the conviction. A pardon does not expunge, erase, or seal your criminal record. If you receive a pardon, you still must answer that you were convicted of a crime if asked. Of course, you may add that you have been pardoned.
 - b. Commutation: This modifies a person's sentence. It allows the Governor to shorten a person's sentence or to make consecutive sentences run concurrently. It applies only to persons currently serving a sentence.
 - c. Reprieve: This suspends a person's sentence for a period of time, allowing a person to complete a sentence at a later time. Like a commutation, it applies only to persons currently serving a sentence. Reprieves are extremely rare.
5. **Executive clemency does not expunge, erase, or seal your criminal record.**

6. A person convicted of a felony in Wisconsin loses their:
 - A. right to vote,
 - B. right to serve on jury duty,
 - C. right to possess firearms,
 - D. right to hold public office,
 - E. right to hold various licenses (for example: alcohol and tobacco licenses. Contact the Department of Regulation and Licensing, Division of Administrative Services, 1400 E. Washington Ave., P.O. Box 8935, Madison, WI 53708-8935, telephone (608) 267-7211, to determine whether you need a pardon to hold the license you seek).

7. When a person completes his or her sentence (including probation or parole), he or she automatically regains:
 - A. the right to vote,
 - B. the right to serve on jury duty.

8. A person must receive a pardon to regain:
 - A. the right to hold public office,
 - B. the right to hold various licenses,
 - C. the right to possess firearms.

II. THE FOUR ELIGIBILITY RULES

1. **Rule 1: Pardons, commutations, and reprieves are available for felonies only, not misdemeanors.**

Rule 1 may be waived by the Governor or the Chairman of the Pardon Advisory Board if you can demonstrate that there are **extraordinary circumstances** showing that you should be eligible to apply even though you seek executive clemency for a misdemeanor.

2. **Rule 2: If you are currently incarcerated or on probation or parole, you are not eligible to apply for a pardon, commutation, or reprieve.**

Rule 2 may be waived by the Governor or the Chairman of the Pardon Advisory Board if you can demonstrate that there are **extraordinary circumstances** showing that you should be eligible to apply even though you are still incarcerated, on probation or parole.

3. **Rule 3: If you have completed your sentence (including probation or parole) but it is less than five (5) years since the completion date, you are not eligible to apply for a pardon.**

Rule 3 may be waived by the Governor or the Chairman of the Pardon Advisory Board if you can demonstrate that there are **extraordinary circumstances** showing that you should be eligible to apply even though it has been less than five (5) years since you completed your sentence.

4. **Rule 4: If you were convicted of a felony and it is five (5) years or more since you completed your sentence (including probation or parole), you are automatically eligible to apply for a pardon. Please complete the attached executive clemency application.**

If under these rules you are not eligible to apply you may fill out and submit an **Eligibility Rule Waiver** form (the pink form you received with this packet). The Waiver must be granted to be able to continue with the clemency process. The Chairman of the Pardon Advisory Board reviews all waiver requests on a periodical basis. The Pardon Advisory Board Secretary will notify you of the Chairman's decision.

III. THE EXECUTIVE CLEMENCY PROCESS

1. After you become eligible to apply for a pardon and have completed and sent in your application, this office will schedule you to appear before the Pardon Advisory Board. You will be notified by mail when and where the hearing will be held. The Board meets several times a year.
2. At the hearing the Board will ask the applicant questions and the applicant will have an opportunity to present his or her reasons for seeking a pardon.
3. The Governor's Pardon Advisory Board consists of seven members, including representatives from the Department of Justice, the Department of Corrections, four public members, and the Governor's Legal Counsel or his/her designee. Each member is appointed by the Governor.
4. The Pardon Advisory Board meets after the hearing and votes to recommend to grant or deny the pardon. The Board's recommendation will be given to the Governor. The Governor then reviews the applicant's file with the Board's recommendation and makes his decision of whether to grant or deny the pardon request. You will be informed of the Governor's decision by mail.
5. Because of the volume of applications, the Board alone conducts hearings. The Governor does not meet with any of the applicants.
6. Each application is handled on a case by case basis. There is no predetermined formula which will guarantee clemency. Among the factors considered by the Board and the Governor are:

- (1) The seriousness of the crime.
 - (2) Whether a **significant** and **documented** need for clemency exists. **(Traditionally, the desire to clear your conscience or possess firearms is not viewed as a significant need unless a substantial amount of time has passed since your crime and you have an otherwise clean criminal record and the crime for which you seek a pardon was minor.** A few examples of demonstrated needs are employment, schooling, job training, or the desire to hold public office. Remember though, it is extremely important to understand that an undocumented assertion by the applicant that a pardon is necessary for a job, license, bond, schooling, or job training is generally insufficient. It is extremely important to try to obtain a letter from the employer, licensing agency, school, or training program stating that you will be considered for the job, license, bond, school, or training program if you receive a pardon. If you cannot obtain these, a letter from someone in the field you wish to enter may also be helpful. In addition, it is extremely important for you to try to document that you have taken significant steps in pursuing the employment, schooling, job training, or public office for which you claim you need a pardon).
 - (3) The applicant's criminal record.
 - (4) The length of time since the crime was committed.
 - (5) The applicant's personal development and progress since the crime was committed. (For example, has the applicant made efforts at employment, training, or education since the crime was committed?)
 - (6) Community or other civic service performed by the applicant.
7. A lawyer is not required to file for executive clemency. If you are scheduled to appear at a Pardon Advisory Board hearing, you are not required to have a lawyer represent you, nor is it recommended.
 8. It is suggested that you submit letters of recommendation written on your behalf.
 9. If your application is denied, you may re-apply 18 months from the date of the letter denying your application. To re-apply, you must complete a new clemency application and send new signed notices to the judge and district attorney involved in your conviction. Your court records do not need to be resubmitted. Do not file your re-application before 18 months have passed.
 10. The hearing is open to the public and reporters. Each applicant will meet before the Board for approximately fifteen minutes.

IV. INSTRUCTIONS FOR COMPLETING THE EXECUTIVE CLEMENCY APPLICATION

You should not complete the application unless you were convicted of a felony and it has been five (5) years or more since you completed your sentence (including probation or parole), or you have been granted an eligibility rule waiver.

1. All documents, except the judge and district attorney notices, should be submitted to this office. The notices should be submitted directly from the judge and district attorney. **Please do not staple these materials.**
2. Keep a copy of **all** materials you submit to this office.
3. Line by line instructions:

Line 1: Type or print your complete name (include maiden name or any changes in name since crime was committed and state which name is currently in use). **Indicate if you have ever applied for executive clemency in the State of Wisconsin and the year your application was decided.**

Line 2: Fill in the month, day, and year of your birth.

Line 3: Check the type of clemency for which you are applying.

Lines 4 & 5: Complete your mailing and home addresses and telephone numbers. All notices and letters from our office will be sent to your mailing address. If you want notices sent to your attorney use his or her address as the mailing address. Your home address is your residence.

Lines 6 & 7: This information is optional and will not be used to make a decision on your application. This will be used for statistical studies only.

Line 8: List the highest degree of education you have completed.

Line 9: Indicate what schooling you have had since your conviction (including prison programs). You may attach copies of transcripts, diplomas, or training certifications.

Line 10: If you seek clemency for more than one conviction, list each crime and provide the court records to this office and the notices to the judge and district attorney for each offense.

Line 11: Describe any crimes for which you were convicted (other than those described in Line 10). These crimes are those for which you are not seeking clemency. **Describe also, all negative contacts which you have had with law enforcement personnel.** Include the date and the events giving rise to the contact.

Line 12: Indicate your last two employers including address and length of employment.

Line 13: If you needed an Eligibility Rule Waiver to be eligible to apply, you must include a copy of that waiver for your application to be considered.

Line 14: Describe the crime committed **in your own words**. For example, what you did and why you did it.

Line 15: Explain why you need clemency **in your own words**- what your plans are, how you have changed, why you feel you deserve this extraordinary privilege, etc.

Line 16: All applicants must submit a certified copy of their (1) Judgment of Conviction, and (2) Criminal Complaint. These two documents are a part of your court record. Do not send in your entire court record. Only send in the two documents requested. You may obtain these documents from the clerk of courts in the county of your conviction. A certified copy is a copy signed by the clerk of courts who certifies that it is accurate and complete. No uncertified copies will be accepted.

The clerk of courts will charge you for certified copies of the documents. If the clerk is unable to find copies of the documents required, ask the clerk for a letter stating so. We only need these documents for the crimes for which you are seeking clemency.

Line 17: All applicants must notify the judge and district attorney or assistant district attorney involved in their conviction. Using the attached judge and district attorney notice forms, you must attempt to notify the judge, the district attorney or assistant district attorney involved in your conviction, even if they are no longer in office. Their names are on your Judgment of Conviction. If you cannot locate the judge, prosecuting attorney, give your notice to the current Chief Judge or district attorney in the county of your conviction.

All applicants must also attempt to notify the prison keeper/s where you were incarcerated (if applicable) by sending the notice to: Paulette Lockwood, Records Center, Dodge Correctional Institution, P.O. Box 661, Waupun, WI 53963-0661. The Records Center at the Dodge Correctional Institution serves as a statewide central depository for conduct records.

Use the attached notice forms (or copies if you have more than one crime for which you are seeking clemency.) Fill out, sign, and send the forms to the judge, district attorney, and Records Center at the Dodge Correctional Institution. Ask them to sign the forms and return the forms directly to our office (the address is indicated on the notice form).

Line 18: If you are currently incarcerated, on parole or probation, you are not eligible to apply for executive clemency unless you obtain an Eligibility Rule Waiver from this office. If you receive a Waiver, you must publish a notice of your pardon hearing in the newspaper (form attached). Your notice must be in the newspaper with a paid subscription (not a free newspaper or shopper) in the county of your conviction. The notice must appear once per week for two consecutive weeks in the legal notices section. If you cannot afford the notice, send a copy of your prison account to this office. If you are considered indigent, this office will publish the notice for you.

Line 19: Attach all letters of recommendation you want considered.

Line 20: Attach any other documents you want considered. For example, a letter from an employer stating that you will be considered for a job if you receive a pardon.

Signature: Remember you must sign your name in front of a judge or a notary public, and have the application notarized. **By doing so, you are swearing that everything in your application is true.**

EXECUTIVE CLEMENCY APPLICATION

Please do not staple these materials.

1. Complete Name _____ **Have you ever applied before? Yes ___ No ___**
What year was your application decided? _____
2. Date of Birth _____/_____/_____ Social Security Number _____
3. Type of clemency Requested: Pardon _____
Reprive _____
Commutation _____

4. Mailing Address-Street, Box or Route	City	State	Zip	Telephone #

5. Home Address-if different than above	City	State	Zip	Telephone #

6. Race or Ethnic Classification (OPTIONAL-for statistical studies only)
African Amer. _____ Am. Indian _____ Hispanic _____ White _____ Other _____

7. Sex (Optional) Male _____ Female _____

8. Highest Grade Completed _____

9. Education Since Conviction (List Programs & Degree or Certificate Earned Below)

10. Crimes for which you request clemency (use extra sheet if needed)

Crime	Date of Crime	Sentence	Date of Sentence	Discharge Date	Place/s of Incarceration (if applicable)
(A)					
(B)					
(C)					

11. Have you been convicted of any crimes other than listed in #10? Yes _____ No _____

If you answered YES, attach a sheet listing: (1) the crime(s), (2) the date(s) of the crime(s), (3) whether it was a felony or misdemeanor, (4) the sentence, (5) the discharge date.

In addition, on a separate sheet, describe all negative contacts which you have had with law enforcement personnel. Include the date and the events giving rise to the contact.

12. Last two jobs held:

Employer	1. _____	2. _____
Supervisor	_____	_____
City and State	_____	_____
Telephone	_____	_____
Dates of Employment	_____	_____

13. If you are eligible because you have received a Waiver of the eligibility rules from this office, you must attach a copy of the Waiver.

14. All applicants must attach a sheet describing the crime.

15. All applicants must attach a sheet explaining why clemency is needed and why it is deserved.

16. All applicants must attach a certified copy of:

- a. the Judgment of Conviction
- b. the Criminal Complaint

17. All applicants must send notices to the judge and district attorney involved in your conviction, as well as the Records Center at the Dodge Correctional Institution, in order to obtain conduct records from the prison keeper where you were incarcerated (if applicable).

18. If you are currently incarcerated, on probation or parole, you must attach proof of newspaper publication.

19. All applicants may attach letter(s) of recommendation.

20. All applicants may attach any other documents that the applicant wants considered.

I certify, under penalty of perjury, that the information in this application is true to the best of my knowledge.

Signature _____

Date submitted: _____

Subscribed and Sworn to before me this
_____ **day of** _____

Notary Public _____

My Commission expires _____

NOTICE TO JUDGE OF APPLICATION FOR EXECUTIVE CLEMENCY

*Please Print

ALL APPLICANTS MUST COMPLETE AND SEND DIRECTLY TO THE JUDGE

Name of Applicant and Date of Birth

is requesting a _____
Pardon, commutation or reprieve

The Governor and the Governor’s Pardon Advisory Board invite your letter of opinion on whether the applicant should be granted clemency. A letter from your office in support or opposition to clemency would be given significant weight by the Governor and the Board.

The applicant was convicted in the county of _____
Name of County

of _____
Crime(s)

and sentenced on _____
Date of Sentencing

to _____
Sentence

Judge, please sign and return this notice and any letter in support or opposition to:
Governor’s Pardon Advisory Board
115 East State Capitol
Madison, WI 53702

and send copies to the applicant at:

Name

Address

City/State/Zip

Judges Comments: Support/Deny/NoOpinion _____

Signature of Judge

Print Name of Judge

Date

NOTICE TO DISTRICT ATTORNEY OF APPLICATION FOR EXECUTIVE CLEMENCY

*Please Print

ALL APPLICANTS MUST COMPLETE AND SEND DIRECTLY TO THE DISTRICT ATTORNEY

Name of Applicant and Date of Birth

is requesting a _____
Pardon, commutation or reprieve

The Governor and the Governor’s Pardon Advisory Board invite your letter of opinion on whether the applicant should be granted clemency. A letter from your office in support or opposition to clemency would be given significant weight by the Governor and the Board.

The applicant was convicted in the county of _____
Name of County

of _____
Crime(s)

and sentenced on _____
Date of Sentencing

to _____
Sentence

District Attorney, please sign and return this notice and any letter in support or opposition to:
Governor’s Pardon Advisory Board
115 East State Capitol
Madison, WI 53702

and send copies to the applicant at:

Name

Address

City/State/Zip

DA Comments: Support/Deny/No Opinion _____

Signature of DA or ADA

Print Name of DA or ADA

Date

NOTICE TO PRISON KEEPER OF APPLICATION FOR EXECUTIVE CLEMENCY

*Please Print

ALL APPLICANTS MUST COMPLETE AND SEND THIS NOTICE DIRECTLY TO:

**Paulette Lockwood
Records Office
Dodge Correctional Institution
P.O. Box 661
Waupun, WI 53963-0661**

_____ Name of Applicant and Date of Birth

is requesting a _____
Pardon, commutation or reprieve

The Governor and the Governor's Pardon Advisory Board request you to attach a signed copy of this applicant's prison conduct.

The applicant was convicted in the county of _____
Name of County

of _____
Crime(s)

and sentenced on _____
Date of Sentencing

to _____
Sentence

Prison Keeper; please send a signed copy of the applicant's conduct report to:
Governor's Pardon Advisory Board
115 East State Capitol
Madison, WI 53702

COMPLETE AND SEND DIRECTLY TO NEWSPAPER*

NOTICE OF EXECUTIVE CLEMENCY
(for newspaper publication)

***For currently incarcerated applicants only**

Name of applicant

Convicted in _____
Name of County

of _____
Crime(s)

and sentenced on _____
Date

to _____
Sentence

has filed an application with the Governor for executive clemency. Public comment is invited.

Applicant's Signature