

Ohio Department of Rehabilitation and Correction

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Bob Taft Governor

1050 Freeway Drive North
Columbus, Ohio 43229
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OHIO PAROLE BOARD APPLICATION FOR EXECUTIVE CLEMENCY

INSTRUCTIONS AND GUIDELINES

Applying for executive clemency should be given careful consideration and needs to be taken seriously by all parties involved. The granting of executive clemency by the Governor has historically been infrequent and should not be considered as a routine post-conviction remedy.

The following guidelines and instructions are provided to assist an applicant in understanding the application process, hearing procedures and decision-making time frames.

APPLICATION PROCESS

STEP 1: REQUESTING AN APPLICATION

Application for executive clemency is made pursuant to Section 2967.07 of the Ohio Revised Code. All requests for applications must be made in writing to the Ohio Adult Parole Authority and must be submitted on forms approved by and obtained from the Ohio Parole Board Clemency Section. The clemency applicant or legal representative must submit a letter to the Ohio Parole Board, Clemency Section, 1050 Freeway Drive North, Columbus, Ohio 43229, indicating their interest in obtaining an application form. Upon receipt of such a request the Parole Board staff shall provide the applicant an application form and instructions

STEP 2: FILING THE APPLICATION

The applicant or legal representative shall submit two (2) applications (provided), along with two (2) copies of each Attachment to the Ohio Parole Board, Clemency Section, 1050 Freeway Drive North, Columbus, Ohio 43229. Any application not fully completed will be returned to the applicant or legal representative without further processing.

GUIDELINES FOR COMPLETING THE APPLICATION

LINES 1 THROUGH 4:

Fill in all applicable identifying information.

LINE 5: TYPE OF CLEMENCY REQUESTED

There are three (3) types of executive clemency:

A COMMUTATION: The reduction of a penalty to one less severe. Generally a commutation requests the reduction of a minimum sentence in order to make the applicant eligible for parole consideration at an earlier date. For definite sentences, a commutation would reduce the existing definite sentence to a lesser definite sentence to allow the applicant to be released at an earlier date.

Historically, commutations have been utilized for prisoners serving extremely long minimum or definite sentences or life sentences and after they have served a substantial portion of their sentences. Please note: persons who have already serve their minimum term and been denied release are discouraged from filing for commutation. It is highly unlikely that the Governor will overturn the Parole Board's previous decision and a request for commutation is not an appropriate appeal of a negative Parole Board decision.

B PARDON: The forgiveness of guilt and punishment. A pardon can be full and complete or be issued based upon the applicant meeting certain prescribed conditions. Pardons do not erase or seal a conviction; a pardon forgives guilt. Historically, pardons are, not granted to persons while they are serving their sentence or serving a period of parole or probation supervision. Usually a successful pardon applicant is someone who has successfully completed the sentence imposed and spent several years of crime-free living.

C. REPRIEVE: tempo temporary postponement of the execution of any sentence. This form of clemency is rarely used except for persons sentenced to death.

It is necessary that the applicant or legal representative clearly indicate which one of these three (3) types of clemency is being requested

LINE 6:

Provide the requested information for each offense for which clemency is requested, In addition, the applicant must provide the indictment or bill of information and the judgment entry of conviction and sentence for each crime for which clemency is requested. These documents can be obtained from the sentencing county and may require the payment of a copying fee. These documents cannot be provided by the institution record office as they are not the originators of the documents.

LINE 7:

Provide whatever information is applicable for the applicant. If paroled or granted probation, the applicant provide the certificate of parole or journal entry granting probation and if released supervision, the applicant must provide the final release from parole certificate or journal entry

ending probation. These documents can be obtained from the Adult Parole Authority or the County Probation Department and may require the payment of a copying fee.

LINE 8:

Provide all Information concerning any arrests either juvenile or adult including arrests outside of Ohio or for federal crimes.

LINE 9:

Provide whatever information is applicable for each applicant.

LINE 10:

Explain your reason for requesting clemency in a concise manner and indicate the steps that have been taken towards rehabilitation or towards living a crime-free life.

LINE 11:

Attach any letters in support of applicants request, Do not send or have letters sent separately or have letters sent directly to the Governor. To be considered, all materials must be submitted with the a application Attach all required court documents or parole documents as required in Lines or 7. Attach any copies of diplomas, or certificates as may document the information provided in Lines 9 or 10

Applications for executive clemency must be signed and notarized by the applicant or may be prepared and submitted by the applicants legal representatives. Applications are not permitted from other interested parties (e.g., parents, friends, etc.).

REVIEW OF THE APPLICATION

All applications, once received will be reviewed for completeness and to assure that a)) mandatory documents are provided 'dad. Incomplete applications will be returned to the applicant or legal representative without further processing. Complete applications will be submitted to the Parole Board Members for review. The Parole Board Members, by majority vote, shall determine recommendation for or against

ether or not a hearing is necessary prior to submitting a ,a granting of clemency to the Governor.

HEARING PROCEDURE

If the Parole Board Determines that a hearing is necessary, the applicant and/or the legal representative shall be notified of the date and time of the clemency hearing. If the applicant is an inmate the hearing will be conducted at the institution in which the inmate is assigned or in any other institution of the Parole Board's choosing where sufficient numbers of Parole Board Members are scheduled to appear.

If the applicant is not incarcerated a hearing will be conducted at the Departments

Central Office in Columbus.

The hearing shall be conducted before at least a quorum of the Full Board and shall be conducted pursuant to the Pad I its Board's Policy and Procedure for Clemency Cases

RECOMMENDATION AND DECISION

Either following the application review or following a hearing, if one is determined necessary, the Parole Board shall determine, by at least majority vote, whether to submit to the Governor a recommendation which is favorable or unfavorable to the granting of the clemency requested.

The final decision for the granting or denial of clemency is solely that of the Governor. The final decision will be communicated in writing to the applicant and/or the legal representative by the Governor's Office.

PLEASE NOTE

The entire process can take from six to eight (6-8) months to complete.

Unless dramatic change in circumstances or information occurs, persons are discouraged from re-applying for executive clemency within two years of a denial by the Governor.