



Nick Brown
ATTORNEY GENERAL OF WASHINGTON

Corrections Division
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Thank you for your interest in the Clemency and Pardons Board (Board). Article III, Section 9 of the Washington Constitution gives the Governor exclusive power to grant clemency. The term “clemency” is a general term describing a variety of different acts of mercy. The Governor can grant a reprieve, commute a sentence, grant a pardon, and restore a felon’s civil right to hold public office and own firearms. The power to grant clemency in the State of Washington only applies to crimes committed under Washington State law. The Governor does not have the authority to grant a pardon or commute a sentence for crimes committed under federal law or the laws of any other state. This power to grant clemency is an awesome responsibility, and the Governor only exercises it after careful consideration of all relevant facts.

The Washington State Legislature established the Board in 1981 to assist the Governor with the clemency process. The Board consists of up to five unpaid volunteers appointed by the Governor and confirmed by the State Senate. The Board’s responsibilities include receiving clemency petitions, publicly considering petitions during quarterly hearings, and making recommendations whether to grant/deny clemency.

The Board will not consider a Petition for Commutation/Pardon where the conviction is not ten (10) years post-conviction. On your Judgment and Sentence for your conviction you can use the date the order was entered by the court of conviction and add 10 years.

After a complete petition is received, a Preliminary Review Committee (“Committee”) reviews each petition to determine whether appearance before the full Board is warranted. When reviewing each petition, both the Committee and the Board focus on whether the petition demonstrates anything “extraordinary” about the petitioner’s case, pursuant to Revised Code of Washington (RCW) 9.94A.728(d) and RCW 9.94A.885(1). Washington law does not define “extraordinary” circumstances, and there is no limitation on the factors that the Committee may consider when making its decision to select a petition for hearing. With that said, you should understand that there is no “particular reason” for accepting a petition for further consideration. Rather, the totality of the circumstances compels the Committee in their decision.

Describing the factors that give rise to the term “extraordinary” is difficult as each member personally defines “extraordinary.”

Factors that have affected previous petitions include the following:

- The Severity of the Offense: Certain crimes are so serious and so objectionable that it would be difficult, if not impossible, to forgive punishment.

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- **The Impact on any Victims:** Both the Committee and Board lend strong consideration to the personal appearances and/or letters from the victim(s) during the decision-making process. Also, letters or testimony from other members of the public can and do affect the final recommendation. Please note that you should never attempt to contact any victim(s) or victim's family members.
- **The Offender's Criminal History and Other Relevant Background.**
- **Acceptance of Responsibility, Remorse, and Atonement.**
- **Compliance with All Financial Obligations Imposed by the Court.**
- **The Amount of Elapsed Time since the Offense Occurred.**
- **Personal Development and Positive Life Change since Conviction:** A petitioner must demonstrate that he or she has undergone a productive change by positively affecting those around him or her as well as society at large. A petitioner may find it beneficial to submit commendations, awards, certificates of completion, transcripts, and diplomas in support of a petition. Additionally, volunteering to assist the community or aid the less fortunate reflects a productive personal change as well as a benefit to the community.
- **Any Benefit or Risk to the Community:** The petitioner's actions should reflect his/her efforts to live a responsible productive life and/or give back to the community. To support a favorable recommendation, petitioners often submit letters of support from persons who hold positions of respect and trust in the community – local law enforcement officials, community leaders, employers, coworkers, etc. The author of the letter should know the petitioner and acknowledge awareness of the crime from which the petitioner seeks relief. Substantial contact with law enforcement authorities after the criminal conviction may be cause for a recommendation to deny the petition.
- **Position of Prosecuting Attorney and/or Sentencing Judge:** If a petition is selected for hearing before the full Board, Washington statute requires that we notify the prosecuting attorney who prosecuted the crime. The prosecuting attorney is then given the opportunity to provide comments to the Board (and therefore to the Governor) on whether clemency is justified. Typically, a prosecuting attorney will be either neutral or unresponsive. However, when available, a prosecuting attorney's adverse response may have a detrimental impact on the Board's decision. Conversely, a favorable response oftentimes positively impacts the decision. While there is no requirement to notify the sentencing judge, his or her comments may also have a substantial impact on the petition. With these factors in mind, you may contact the prosecuting attorney who tried the case or the sentencing judge at your discretion and request support for the petition.

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As described above, the petitioner is responsible for submitting information and supporting documentation that demonstrates extraordinary circumstances warranting relief.

You are limited to **25 pages in your Petition packet**, in addition to the actual petition form and the required Judgment and Sentence and the required charging documents, *i.e.*, Probable Cause, Information, Indictment, and/or Complaint for which relief is being sought.

If your file is selected for hearing, you may submit any remaining documents for the Board's review up to **two (2) weeks** before the hearing date. While this information cannot guarantee consideration before the full Board or clemency from the Governor, everything that demonstrates a petitioner's efforts to make amends and become a valuable member of society encourages a favorable outcome. Unfortunately, the Board often finds it necessary to deny a request for hearing or, if set for hearing, deny the petition altogether simply because the applicant failed to provide sufficient supporting information.

The Board may only make a recommendation to grant clemency after considering the petition before a public hearing, pursuant to Chapter 9.94A.885(3), RCW. Therefore, Board hearings are open to the public and any information that the Board obtains may be subject to public disclosure under the Washington Public Records Act, Chapter 42.56 RCW. A court reporter records and transcribes all Board hearings, and the state public affairs network, TVW, broadcasts the hearings.

At the hearing, the petitioner, his/her family, and character witnesses may advocate on behalf of the petition. Although not required, a petitioner may also elect to obtain legal representation. The County Prosecutor's Office where the crime was committed as well as the victims, if applicable, and their families are entitled to speak at their discretion. After listening to the statements of interested parties, the Board openly discusses the petition and votes on whether to recommend that the Governor grant clemency. There are no specific guidelines that bind the Board's decisions. Each Board member votes based on his/her experience in life and interpretation of the petition. The Board then forwards its recommendation to the Governor's office.

The Governor is not bound by the Board's recommendation. The Governor reviews the full case in detail and may conduct his/her own investigation. Only after fully understanding the circumstances of the crime and the reason for the petition does the Governor make a final decision. Clemency is granted in the rarest and most extraordinary cases, and the Governor is free to place conditions on a pardon or commutation, such as requiring a conviction-free record for a specified period of time following clemency. Failure to abide by any such conditions may be grounds to ultimately deny clemency or have clemency revoked.

A commutation is the reduction of criminal penalties in terms of imprisonment and is often conditional. A commutation does not nullify the conviction. Additionally, a commutation is not a contract, possible settlement or offer requiring legal advice from a lawyer as to whether to accept or reject it. Nor is a commutation comparable to a court proceeding or order of judgment. The process is strictly administrative, as is the commutation. Neither a pardon nor a commutation is a right, duty or privilege. A person cannot earn or deserve either.

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If the petitioner is still incarcerated, it is the expectation of the Board that the petitioner is not found to have committed any serious infractions for no less than **three (3) years** prior to the submission of the Petition. Additionally, it is the expectation of the Board that the petitioner is not found to have committed any serious infractions through the date of which the clemency hearing takes place. If a petitioner is found to have committed a serious infraction during this between time that their petition is granted a hearing and the date of the actual hearing, the petition will be removed from the hearing list and the petitioner will need to wait **three (3) years** before they can submit a new petition.

If the Governor grants a pardon, the Governor's Office sends a copy of the pardon to the Washington State Patrol (WSP) and requests that they remove the conviction from the petitioner's criminal history available to the public. However, the conviction remains on a separate criminal history available to law enforcement and others who are entitled to non-conviction data under chapter 10.97 RCW. The Governor's Office also requests that the WSP add a note to the restricted criminal history reflecting the pardon.

The Governor does not have the authority to expunge or vacate a criminal record; only the courts have that authority. Also, a pardon does not automatically remove the record of the conviction from court files and does not relieve the party from reporting the conviction on an application for employment. The party may, however, indicate the receipt of a Governor's pardon. Other remedies allow a party to state that he/she has never been convicted of a crime, such as the vacation of a criminal record in accordance with RCW 9.94A.640.

The Board generally reviews and hears Petitions for pardon or commutation only in cases in which judicial remedies for the conviction have been concluded to a final decision. Additionally, all direct appeals must be exhausted or the time within which to appeal has expired. This generally means that (1) a petition will not be heard until all direct appeals have been exhausted or until the time within which to appeal has expired; (2) for commutations, the prosecuting attorney has completed their review of a **SB 6164** request; if they have not, a petitioner would need to indicate the date the **SB 6164** request was received by the prosecuting attorney; and (3) the petitioner has tried, if available, to vacate their conviction in the court of record, and was denied. In most cases, and as determined by members of the Preliminary Review Committee, the Board will not consider a Petition for Pardon/Commutation where the conviction is not **ten (10) years** post-conviction. Absent unique or emergency circumstances, the Governor will not consider a request for pardon or commutation unless a petition has been submitted to the Board.

If all other remedies are already exhausted, please include documentary evidence demonstrating your efforts and the Court's decision.

After you complete the petition and send it to the Board, the petition will be reviewed in the order it was received. Within a year, the Board may receive hundreds of petitions for pardon or commutation, so be patient as this is a thorough and time-consuming process.

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We will not return documents. Except for the signed signature page and Waiver and Authorization to Release Information, *please do not submit original documents.*

If you have any additional questions, comments or concerns regarding the clemency process, please do not hesitate to contact me.

Sincerely,

Jina Bushaw

Tina Bushaw
Paralegal 3 - Office of the Attorney General
Clemency and Pardons Board Support Staff
(360) 586-5147 or (360) 586-1445

INSTRUCTIONS FOR FILING A PETITION FOR REPRIEVE, COMMUTATION, OR PARDON

Please read all of the Instructions for Filing a Petition. Complete the Petition for Reprieve, Commutation or Pardon form in its entirety, giving detailed information, and when necessary, attaching additional sheets of paper sufficient to provide a response. **Each section must be completed and each box checked appropriately. Please do not write “see attached.”**

There are two ways to submit a Petition.

1. The Washington State Clemency and Pardons Board (“Board”) prefers to receive and send Board related notices and materials in electronic format whenever possible. In keeping with this process, we ask that you submit your petition electronically in an Adobe Reader compatible format via email to CPBoard@atg.wa.gov. After the petition is received electronically, an email will be sent confirming receipt of the petition. Please be patient as we occasionally experience high volumes of petitions for clemency.

We have found that by communicating with the petitioner via email, we can provide a faster and more efficient application processing time.

2. If you do not have access to a computer and/or the internet, you may mail your petition to:

**Washington State Clemency and Pardons Board
Office of the Attorney General
PO Box 40116
Olympia, Washington 98504-0116**

If you are submitting your Petition by mail, please only enclose **one** petition and all attachments. We do not conform copies and return them to you. Do NOT send original documents as attachments because we will not return them.

Please carefully read the instructions below to ensure you allow for timely processing of your petition. Failure to comply with these instructions may result in a request for more information or, in some instances, rejection.

Digital signatures are not accepted. **You may provide your signed signature page and signed Waiver and Authorization to Release Information page to us electronically. This is the preferred method.** If you choose to electronically submit the pages, please ensure the scans are clear, complete, and the signature is clearly visible. We reserve the right to request a hard copy of the signed pages. The email address these pages can be sent to is cpboard@atg.wa.gov. If you choose to mail the signature pages, the address is specified above.

The Board does not consider misdemeanor or gross misdemeanor convictions, even if you are also requesting clemency for a felony conviction.

You are **limited to 25 pages** in your petition packet in addition to the actual petition form, the required Judgment and Sentence, and the required charging documents, *i.e.*, Probable Cause,

Information, Indictment, and/or Complaint for which relief is being sought. For incarcerated individuals, you are required to provide your DOC infraction history (only founded infractions). If you are not able to obtain a copy of your DOC infraction history, please flag this for us and we will obtain a copy for our records. If your file is selected for hearing, you can submit any remaining documents for the Board's review up to **two (2) weeks** prior to your hearing date.

A copy of the Judgment and Sentence and charging document from which the petitioner seeks relief are mandatory. A copy of the Judgment and Sentence and charging document can be obtained by contacting the Clerk of the Court where the petitioner was sentenced; or, if incarcerated, by requesting a copy from the petitioner's Central File. The Governor cannot pardon a federal criminal offense or a conviction from another state.

List in your attachments how many letters in support you have, you do not need to send them in until the Board decides if you are granted a hearing. You are strongly encouraged to provide letters of recommendation from all sources. Letters of recommendation must state the full name, address and daytime telephone number of the author and acknowledge the author's awareness of your conviction and intent to request a pardon or commutation.

List commendations, awards, certificates of completion, transcripts and diplomas you have achieved. Do not add them to the petition unless you have been granted a hearing. Please do not submit original documents as they will not be returned to you. We randomly verify authenticity of submitted documentation. **Do not** attach tax returns, paycheck stubs, or other financial documents.

If you are granted a hearing, and have copies of the following documents, it may be helpful to provide the Board with a copy:

- Psychological Evaluation Reports provided to opposing counsel by either party or filed with the court by either party.
- Sex Offender Evaluation Reports provided by the defense to opposing counsel or to the Court.
- Medical Reports or records provided by the defense to opposing counsel or to the Court.
- Plea Agreement.
- The Statement of Defendant on plea of guilty.
- Department of Corrections Pre-Sentence Report.
- Sentencing memoranda filed by either party.
- No Contact / Restraining Orders.

Failure to complete every section on the petition form may render the submission as incomplete.

DO NOT write “See attached.” Use the space provided to start answering the question and include any information that does not fit in the space on a separate piece of paper.

DO NOT staple or otherwise permanently bind your petition and/or any portion of the attachments. A petition with attachments may be clipped, clamped, placed in three-ring binders, or otherwise packaged in a temporary fashion.

DO NOT enclose your Petition and/or attachments in plastic sheet protectors.

DO NOT submit double-sided documents in the original petition as this interferes with the scanning process.

DO NOT use tabs or other dividers as this interferes with the scanning process.

The petition and materials submitted with it will become property of the Office of the Governor and will not be returned to the petitioner. Please keep a copy of the petition and attachments for your personal records.

Please be aware that all or some information on the petition, including attachments, and any information obtained by the Clemency and Pardons Board staff may be considered public record and subject to public disclosure under the Washington Public Records Act, chapter 42.56 RCW.

Written notification must be given to the Clemency and Pardons Board if you change your email address, place of residence, telephone number or place of employment prior to the final disposition of the petition. If you are convicted or charged with a new offense after filing your petition, please notify the Clemency & Pardons Board immediately.

If you decide to withdraw your petition, you must notify the Clemency and Pardons Board immediately in writing at the address below. If you withdraw your petition after it is scheduled for a hearing, you will need to wait **two (2) years** before submitting a new petition.

Although not required, you have the right to retain counsel to prepare your petition and, if selected for hearing, to represent you at the hearing. **If you acquire legal counsel, all further communications between you and the Board Staff must be through your attorney.**

Please understand that the Governor only grants clemency under the most rare and exceptional of circumstances. Restoration of firearms rights requires personal action by the Governor through his pardon power. To date, firearms rights have rarely been restored—and in fact those rights have specifically *not* been restored in most pardons granted. Requests for restoration of the right to possess firearms are treated the same as any other request for clemency. The Federal government, Division of Alcohol, Tobacco, and Firearms has the power to restore firearms rights. However, we understand that Congress has barred them from exercising that power.

Specify the Action You Are Requesting of the Governor
You can only choose one type of relief.

PARDON (complete relief from conviction and/or disabilities related to conviction)

COMMUTATION (reduction of sentence)

REPRIEVE (delay in imposition of sentence)

Have you previously applied for a commutation or pardon? YES NO N/A, if yes, indicate the year(s) _____

If less than three (3) years have passed since your last submission, are there new circumstances that you believe justify your petition? YES NO N/A, if yes, please attach a letter outlining new circumstances.

Does this application concern medical issues? YES NO N/A If yes, is it a terminal medical issue? YES NO

Does this application concern deportation or removal issues? YES NO N/A; If there is a deportation concern, it is helpful to the Board to receive a copy of the Order of Deportation and knowledge as to most recent check in or date of future check in. _____
Country of Citizenship

The Board reviews and hears Petitions for pardon or commutation only in cases in which judicial remedies for the conviction have been concluded to a final decision. Please affirm if you have submitted and been denied resentencing under the most recent law changes:

SB 5164, Resentencing of individuals sentenced as a persistent offender due to a robbery in the second degree:

Does this apply to you: YES NO N/A

If yes, have you exhausted? YES NO

RCW 36.27.130 (SB 6164), permits prosecutors in Washington state to ask a court to resentence defendants "if the person's sentence no longer advances the interests of justice."

Does this apply to you: YES NO N/A

If yes, have you exhausted? YES NO

RCW 10.95.030, if a minor at time of the crime, and requested re-sentencing hearing.

Does this apply to you: YES NO N/A

If yes, have you exhausted? YES NO

Have you exhausted all other applicable remedies available to you under the law, including a motion to vacate or motion to expunge or motion to seal the record? YES NO

Have all direct appeals been exhausted or has the time within which to appeal expired? YES NO

If you answered “yes” to any of the prior five (5) questions, please attach all documentary evidence demonstrating your efforts and the Court’s decision.

If not, please explain why: _____

If you are incarcerated, are you under the jurisdiction of the Indeterminate Sentencing Review Board? YES NO

Are you on community custody for an offense that places you under the jurisdiction of the Indeterminate Sentencing Review Board? YES NO

If you are represented by an attorney or other party pertaining to **this** Petition, please indicate to whom all communications relating to this petition should be addressed.

NAME: _____

ADDRESS: _____

TELEPHONE: _____

E-MAIL: _____

For each conviction(s) the Petitioner is seeking relief for please complete the following (Use additional paper, as needed, to complete your response.)

Crime or Offense: _____

Date of the Crime: _____

Date of Conviction: _____

County and State of Conviction: _____

Case Number: _____

Sentence Imposed: _____

Was there a Protective Order as a Result of this Crime? YES NO, if yes, is it still active? YES NO

Restitution/Costs Imposed: _____

If Restitution/Costs Imposed, what amount have you paid? _____

It is REQUIRED that you submit a copy of the JUDGMENT AND SENTENCE and CHARGING DOCUMENTS, i.e., Probable Cause, Information, Indictment, Complaint, for each conviction for which you are seeking relief from, if not provided the Petition will be deemed as incomplete.

Were you represented by an attorney? YES NO, if yes, please provide Name and WSBA# of your attorney at the time of conviction: _____

Was a weapon used in perpetration of the crime(s)? YES NO

If yes, what kind: _____

If the offense was committed against a person, please answer the following:

1. Was the victim known to you? YES NO, if yes, list the relationship _____
2. Was the victim injured? YES NO, if yes, mentally physically
3. Age of victim at time of offense: _____
4. More than one victim? YES NO, if yes, how many? _____
5. Was restitution ordered? YES NO; if yes, amount ordered: _____
How much has been paid? _____

Please provide the following information:

Are you currently serving a sentence? YES NO, if yes, what is your ERD? _____

On probation or community custody? YES NO, if yes, when is your discharge date? _____

Prior Convictions:

Have you ever been arrested, charged, or convicted of any offense at any other time? YES NO
The Board expects that all offenses to include misdemeanor, gross misdemeanor offenses, and traffic infractions to be included in answer to this question.

If yes, please provide the following information for each offense (use additional paper, as needed, to complete response for each conviction):

- a. Crime or Offense: _____
- b. Date of Crime or Offense: _____
- c. Sentence Imposed and date: _____
- d. County and state where convicted or charged: _____

Statement of All Pending Proceedings:

Are there any pending actions against you in any State or Federal or local court? YES NO, if yes, provide the nature of each such case pending against you. If you have no cases pending against you, you must so state.

Identity of Court	Case / Docket No.	Status
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Petitioner’s Statement:

DO NOT write “see attached.” Use additional paper, as needed, to complete your response. For each conviction, fully explain the facts of the crime for which relief is being sought:

Please describe the “extraordinary” circumstances that you think would justify granting your Petition for clemency. DO NOT write “see attached.”

Please describe your rehabilitation efforts after your conviction, if any. DO NOT write “see attached.”

Describe your prison record, if any, (include commendations, disciplinary actions, etc.) DO NOT write “see attached.”

Are you currently, or have you at in the past been, the subject of a do not contact order, restraining order or protective order? YES NO

If yes, for each such order, please describe, in detail, the nature of the order and identify the parties and case in which such order was issued.

If yes, please attach a copy of each such Order.

This petition and materials submitted with it will become a matter of public record once received by the Clemency and Pardons Board. Falsification of any portion of this application can be reason for denial.

This petition and materials submitted with it will become property of the Office of the Governor and will not be returned to the petitioner. Please keep a copy of the petition and attachment for your personal records.

I DECLARE UNDER PENALTY OF PERJURY THAT ALL THE CONTENTS OF THE ABOVE PETITION ARE TRUE AND CORRECT. I am aware that all of the information including but not limited to my work records, medical records, psychological records, my military service records, my criminal history, and my financial status that have been submitted in conjunction with this petition and any information obtained by the Washington State Clemency and Pardons Board staff pertaining to this petition may be considered public records under the Washington State Public Records Act, chapter 42.56.RCW and subject to public disclosure. Only the social security number will be redacted.

Signature of Petitioner: _____

Date of Signature: _____

