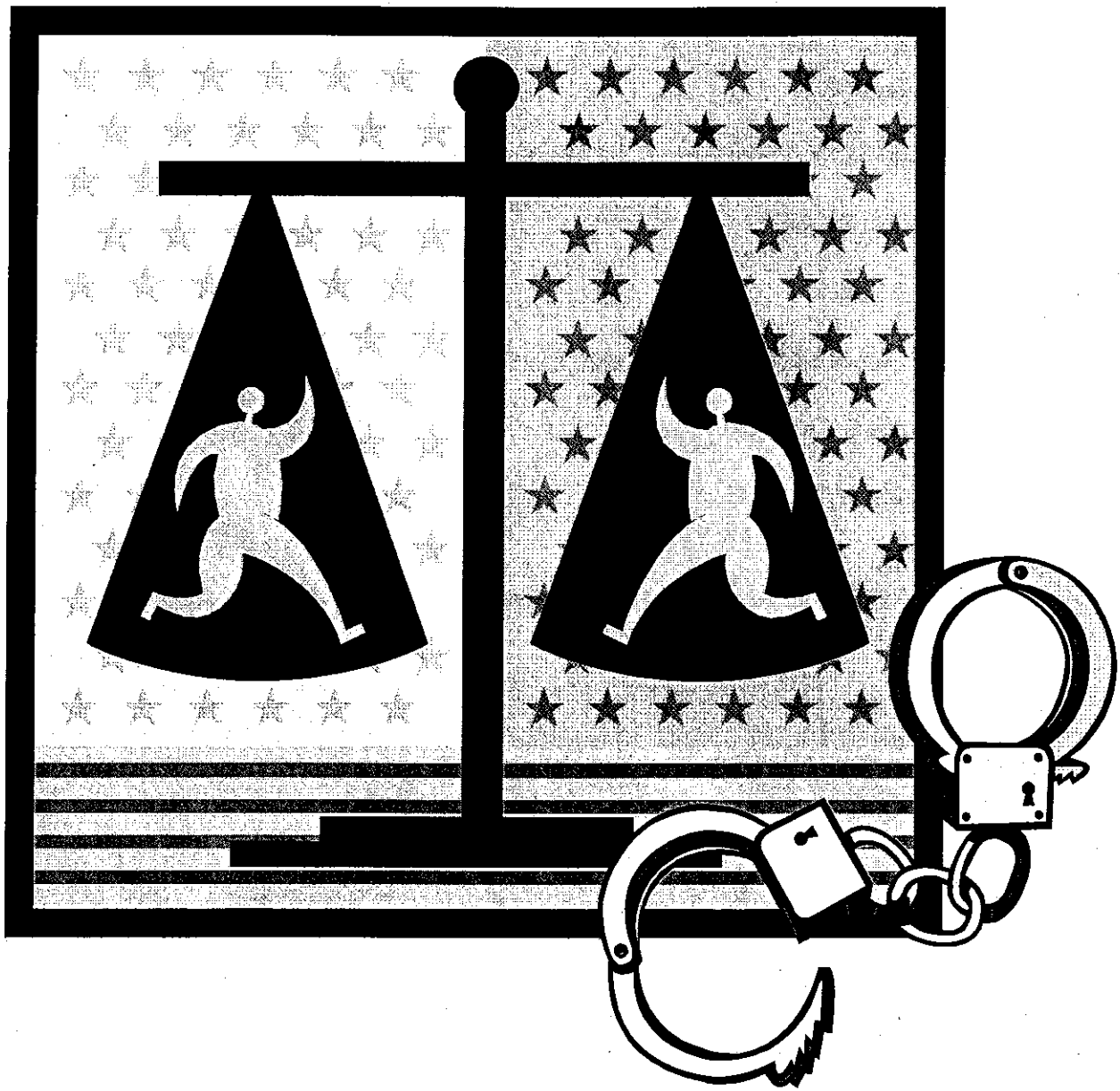


# PARDONS



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# PARDONS

## WHAT IS A PARDON?

The partial or full discharge of a penalty by the Governor. A pardon is one type of executive clemency. It results in the forgiveness of guilt and punishment.

You can request a pardon by completing an “Application for Clemency.” Once you apply, your request will be considered, but you have no right to have your request granted. The Governor can grant or deny a pardon request for any reason or no reason at all.



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**Pardons are a good way to erase criminal convictions from your record. While some crimes can be expunged, multiple convictions or convictions of certain violent crimes can only be taken off your record with a pardon. A pardon will also restore your rights as a citizen, including: your right to obtain professional licenses, serve on a jury, or work for a public agency.**

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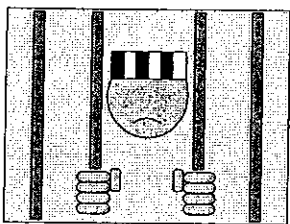
## HOW IS A PARDON DIFFERENT FROM A REPRIEVE OR PAROLE?

A *reprieve* is only a temporary (short-term) suspension of a sentence by the Governor, while a pardon is permanent.

*Parole* means a release from confinement that is under set terms and conditions, and for a set period of time. A person out on parole will be supervised, and their record will still show they were convicted of a crime.

A *pardon* not only releases you from confinement without any supervision, it also erases guilt for the crime charged. However, pardons in Ohio are usually only granted after release from imprisonment or completion of parole.

## WHO IS ELIGIBLE TO APPLY FOR A PARDON?



Ohio law says that anyone who has been convicted in the State of Ohio for any crime (other than treason) may apply for a pardon.

HOWEVER, pardons in Ohio are most likely to be granted to people who: 1) have successfully completed their jail/prison sentence; 2) have completed parole or probation supervision; 3) have paid all court ordered restitution and fines; and 4) have spent several years living crime-free.

## WHAT DOES A PARDON DO?

Pardons can be FULL or PARTIAL.

A **full pardon** will set you free from prison and the custody of the law, prevent further court action regarding the conviction for which you were pardoned, eliminate all guilt, and leave you (from a legal standpoint) in the same condition as if the crime had never been committed.

After a pardon has been granted, if anyone (employer or government agency) asks you if you have a criminal record, you can honestly say, "No."

For example, say your conviction prevented you from obtaining a license of some kind or applying for a certain governmental job. After the pardon is finalized you can apply for that license or job, without having to mention the conviction for which you have been pardoned at all.



### **CAUTION**

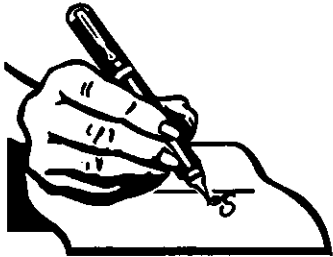
Once you are granted a pardon, you should bring a copy of the warrant (document granting you the pardon) to the Clerk of Court's office where you were convicted and specifically request that your record relating to this crime be sealed.

You should also contact the agency that arrested you (sheriff, police, highway patrol), and any other agency involved in your case (the FBI, the Bureau of Criminal Investigation) and request that all records or your arrest or conviction for the pardoned crime be sealed!

A **partial pardon** will release you from punishment, yet will not erase your record for the crime. (You will still be considered guilty of the crime for which you were pardoned.)

## **DO I HAVE TO AGREE TO DO ANYTHING IN EXCHANGE FOR A PARDON?**

Maybe. Pardons can be granted with no conditions, or they can be granted upon the condition that you do certain things before or after the pardon is granted, such as: paying back child support owed, paying fines and costs associated with your crime, agreeing never to purchase or own a gun, agreeing never to practice medicine again, or agreeing to have only supervised contact with the victim.



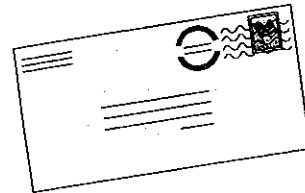
If a pardon contains such a condition, the pardon will not take effect until you accept the conditions imposed. You accept these conditions by signing the warrant (the document granting you the pardon and stating the conditions of the pardon) in front of one witness and returning the signed warrant to the Governor for his/her signature. The Warrant of Pardon is not effective until the Governor signs it and sends it on to the Clerk of Courts office.

## **STEPS TO OBTAINING A PARDON:**

### **1. Write a Letter to the Ohio Adult Parole Authority**

Write a letter to the Ohio Adult Parole Authority requesting an application for “executive clemency.” Use the fill-in-the-blank letter contained on page 10 of this packet or write your own. Send the letter to:

Ohio Parole Board  
Clemency Section  
1050 Freeway Drive North  
Columbus, OH 43229



### **2. Complete the Application Form**

Within a week of mailing the letter, you should receive an application form and instructions from the Ohio Parole Board. A sample application is contained on pages 11 and 12 of this packet.



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#### **CAUTION**

Do not try to copy and use this application —  
You must write a letter and get your own copy of the application!

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Complete the application. Do not skip any questions—if your application is not complete it will be returned to you. Use the sample application as a guide.



#### **REMEMBER:**

Since there are three different types of executive clemency, you must indicate that you are requesting a PARDON.



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#### **CAUTION**

At the end of the application, there is a space for your signature.  
Do not sign the form until you are in the presence of a notary public. Most libraries and banks have notaries. Take the completed form to a notary public and sign and date the form while they watch. Then the notary public will then stamp and sign the document as well.

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### 3. Collect the Required Documents

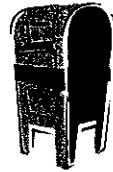


After the application is complete, collect the following documents and attach them to your application. You may have to pay a fee to get a copy of each document.

	<b>Name of Document</b>	<b>Where to Find Document</b>
<b>You MUST submit</b>	Indictment <i>or</i> Bill of Information for each conviction you seek to have pardoned	Clerk of Court's Office of the Court where you were convicted
<b>You MUST submit</b>	Judgment Entry of each conviction and sentence for each crime you seek to have pardoned	Clerk of Court's Office of the Court where you were convicted
<b>You MUST submit ONLY IF you were paroled or granted probation</b>	Certificate of Parole <i>or</i> Journal Entry ending probation	Adult Parole Authority <i>or</i> Probation Department in your county
<b>You SHOULD submit</b>	Letters of Support	Friends, family members, employers, and other community members familiar with you. Contact people early. Tell them to write a letter, put it in a sealed envelope, and give it to you. It helps if the person writing the letter knows of your conviction(s) and states that they support your pardon. Letters of support must be attached to your application or they will not be considered.
<b>You SHOULD submit</b>	Copies of Diplomas <i>or</i> Copies of Certificates <i>or</i> Copies of Documents reflecting your education and work history	Educational Institution that issued the document

#### 4. Make Copies & Mail to Ohio Parole Board

After you have collected all the proper documents, make TWO copies of the application and TWO copies of each document attached. Keep one copy of everything for yourself. Mail the original and one copy to the Ohio Parole Board (at the address listed on page 4).

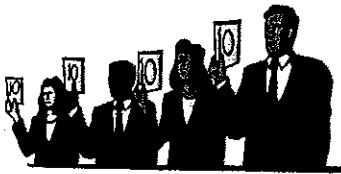


#### 5. Review & Investigation by Parole Board

After the application is submitted, the Parole Board will review your application to make sure that you have submitted all the required paperwork. If your application is incomplete, it will be returned to you. If this happens, provide the missing information or document, and mail it back.

Under Ohio law, the Parole Board must give a recommendation (for or against your request for a pardon) to the Governor. To assist in making this recommendation, the Parole Board may decide to conduct an investigation of your case. There are two ways this investigation could occur:

##### *First type of Investigation – with a hearing:*



As soon as the Parole Board gets your application, they will vote on whether or not a hearing is necessary in your case or whether a recommendation can be issued without a hearing. If the Parole Board determines that a hearing is necessary, you will be notified of the date, time, and place of the hearing.

##### What happens at the clemency hearing?

At the clemency hearing, the Parole Board will vote for or against your request.

You can attend the hearing if you want, but are not required to do so. It is generally best to attend the hearing. If you attend, you will be able to explain your situation to the Parole Board and answer any questions they may have. Also, you have the right to have an attorney at the hearing.



##### *Second type of Investigation - without a hearing:*

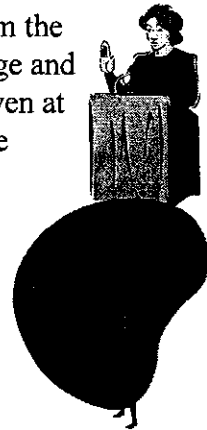
If the Parole Board decides a hearing is not necessary, they may still investigate aspects of your life, including: your conduct while imprisoned, your mental and moral qualities and characteristics, your knowledge of a trade or profession, your former means of livelihood, your family relationships, and any other matters affecting your fitness to be at liberty without being a threat to society.



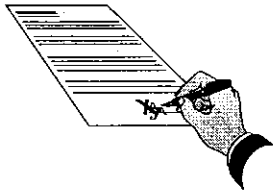
## 6. Victim & Prosecutor Notified of Request

The Parole Board will notify the prosecuting attorney and/or trial judge from the court where you were sentenced of your request for a pardon. The trial judge and prosecuting attorney will give the Parole Board a summary of the facts proven at trial, any other facts they think the Parole Board would want to know before making a recommendation, and their own opinion as to whether or not you should be granted a pardon.

If at the time of your conviction the victim requested to be notified of any pardon request, the victim will also be notified of your request and have the chance to make a statement. If the victim makes a statement, this statement must be taken into consideration by the Parole Board when deciding whether or not to recommend clemency.



## 7. Parole Board Recommendation



After the investigation is completed, the Parole Board will give a written report to the Governor. The report will contain a brief statement of the facts in the case, the Board's recommendation for or against the granting of a pardon, and the reasons for that recommendation.

The Board will only recommend clemency if "such action would further the interests of justice and be consistent with the welfare and security of society."



### **REMEMBER:**

The Parole Board's recommendation does not control whether or not you will be granted a pardon. The Governor has the final say. Even if the Parole Board recommends that you be given a pardon, the Governor could deny your request.

## 8. Governor's Review & Decision

The Governor does not have to follow the recommendation of the Parole Board. The Governor can grant or deny the pardon—even if the Parole Board recommends otherwise.



### **Pardon Granted:**

If the Governor grants you a *full pardon*, copies of the “warrant of pardon” will be issued—one will be sent to you and one will be filed with the Clerk of Court in the court where you were convicted.

If the Governor grants you a *conditional pardon*, a copy of the “warrant of pardon” will be sent to you. You must sign the warrant and send it back to the Governor’s Office for the Governor’s signature. By signing the warrant, you are agreeing to the conditions the pardon is based upon.

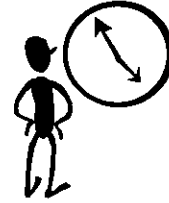


### **Pardon Denied:**

If the Governor denies your request for a pardon, you will be notified of this denial.

## HOW LONG WILL IT TAKE?

The entire process usually takes six to eight months to complete. However, the Governor can take as long as he/she wants to make a decision; there is no deadline by which the Governor must render a decision.



## CAN A PARDON BE REVOKED (TAKEN BACK) AFTER IT IS GRANTED?

Generally, no! Once you have been granted and accepted a general and unconditional pardon, it is not subject to revocation by the Governor or any other person, unless the procedure followed was improper.

The only way a pardon can be revoked is if the Governor did not follow the proper procedures in issuing the warrant. (The Governor made a decision on the pardon before the Parole Board made its recommendation.)

## WHAT IF MY REQUEST IS DENIED?

If your pardon is denied, there is no way to challenge this denial in the courts or otherwise. It is over for now. You can always reapply at a later date by writing the Parole Board and requesting another application. In Ohio, it is best to wait at least two years before you reapply.



## WHAT IF MY REQUEST IS GRANTED?

All disabilities you suffered as a result of your conviction will be lifted.

If your conviction prevented you from obtaining a professional license, you can now obtain that license or purchase that gun.

If your conviction prevented you from owning a gun, you can now purchase that gun.

When filling out job, apartment, or other applications that ask if you have a criminal record, you can honestly answer no. Once a conviction has been pardoned, it is as if it never occurred.

You can now serve as a juror and/or hold public office.

However, a pardon does not entitle you to a return of any fine or court costs paid in connection with your case.

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name

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address

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today's date

Ohio Parole Board  
Clemency Section  
1050 Freeway Drive North  
Columbus, OH 43229

To Whom it May Concern:

I am interested in applying for an Executive Clemency in the form of a Pardon. Please send me a copy of the Application for Clemency, including forms and instructions at the address listed above.

Thank you.

Sincerely,

---

signature

# OHIO PAROLE BOARD APPLICATION FOR EXECUTIVE CLEMENCY

1.

APPLICANT'S NAME: <b>MICHAEL SIMMONS</b>	ALIAS (OTHER NAMES YOU HAVE GONE BY):
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2. IF CONFINED:

INSTITUTION:	INSTITUTION NUMBER
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3. IF NOT CONFINED:

ADDRESS: STREET	CITY	STATE	ZIP
<b>357 APPLE HILL ROAD</b>	<b>COLUMBUS</b>	<b>OHIO</b>	<b>43215</b>

4.

DATE OR BIRTH: <b>5/27/65</b>	AGE: <b>35</b>
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5.

TYPE OF CLEMENCY REQUESTED: <b>PARDON</b>
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6. OFFENSES FOR WHICH CLEMENCY IS REQUESTED (SEE INSTRUCTIONS)

*YOU CAN GET THIS INFORMATION FROM THE INDICTMENT, JUDGEMENT ENTRY OF CONVICTION AND SENTENCE THAT YOU OBTAIN FROM THE CLERK OF COURTS OFFICE OF THE COURT WHERE YOU WERE CONVICTED*

COUNTY	CASE NO.	CRIME	SENTENCED	DATE CONVICTED
FRANKLIN	CR 019895	DRIVING UNDER INFLUENCE	30 DAYS	9/20/95
FRANKLIN	CR 019895	RESISTING ARREST	10 DAYS	9/20/95
CUYAHOGA	CR 017794	BREAKING & ENTERING	6 MONTHS	8/2/94

7. *YOU MUST PROVIDE THIS INFORMATION FOR EVERY CRIME FOR WHICH YOU SEEK A PARDON (ATTACH SEPARATE SHEETS OF PAPER IF NECESSARY)—YOU CAN GET THIS INFORMATION FROM THE ADULT PAROLE AUTHORITY OR PROBATION DEPARTMENT YOU DEALT WITH.*

DATE ADMITTED: <i>DATE YOU ENTERED PRISON/JAIL</i>	PAROLE ELIGIBILITY DATE: <i>NOT DATE YOU WERE PAROLED, BUT THE FIRST DATE WHEN YOU COULD HAVE BEEN PAROLED</i>
EXPIRATION OF DEFINITE SENTENCE DATE:	
DATE PAROLED:	FINAL RELEASE DATE:
DATE GRANTED PROBATION:	PROBATION COMPLETED:

8. ARREST RECORD: (JUVENILE & ADULT)

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*INCLUDE INFORMATION ON THE OFFENSES FOR WHICH YOU SEEK CLEMENCY AS WELL AS FOR OTHER OFFENSES YOU HAVE ON YOUR RECORD*

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9.

MARITAL STATUS: <b>SINGLE</b>	NO. OF DEPENDENTS: <b>FOUR</b>
EDUCATION: <b>ASSOCIATES DEGREE IN COMPUTER PROGRAMING</b>	

EMPLOYMENT HISTORY (PAST FIVE YEARS):

EMPLOYER	ADDRESS	TELEPHONE NUMBER	EMPLOYMENT DATES
<b>LUCRATIVE TECHNOLOGY</b>	<b>548 Gordo Rd Columbus, Oh 43213</b>	<b>(614) 555-8922</b>	<b>1/20/98 to present</b>
<b>MIKE'S CAR REPAIR</b>	<b>832 West Luck Ave Columbus, Oh 43201</b>	<b>(614) 555-2451</b>	<b>11/25/95-12/1/97</b>

10. REASONS CLEMENCY IS REQUESTED (USE ADDITIONAL SPACE IF NECESSARY)

In the early 1990s, my life was a mess. I was addicted to crack cocaine and drank nearly 18 beers a day. Being arrested in 1995 forced me to look at my life and gave me the opportunity to change things for the better. With the help of my counselor and my AA group, I have remained clean and sober since December 1995. Sobriety has allowed me to obtain and keep a good job and establish a healthy relationship with my children.

Since my last arrest, I have lived a crime-free life. I have done various things to rehabilitate myself, including: attending weekly AA meetings and counseling sessions once a month with my therapist. I attended night school at Franklin County Community College for two years and in December 1997, I obtained my certificate in computer programing. I have been employed full-time as a computer programmer for the same company since January 20, 1998.

Since my last conviction, I have been a good parent to my children. I have paid all of my child support payments in full and on time, visited with my children every other weekend (as our visitation agreement allows), and attended every one of my son's high school baseball games. I enjoy spending time with my children and am proud to show them that their father is living well and working hard.

11. ATTACHMENTS: (SEE INSTRUCTIONS)

LETTERS IN SUPPORT      **SEND ALL ATTACHMENTS WITH THIS APPLICATION—INCLUDING LETTERS OF SUPPORT. IF ATTACHMENTS ARE NOT INCLUDED, YOUR APPLICATION WILL BE RETURNED TO YOU AS INCOMPLETE.**  
COURT PAPERS  
DIPLOMAS

I HEREBY SWEAR THAT THE INFORMATION CONTAINED IN THIS APPLICATION AND THE ATTACHED DOCUMENTS IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE

**DO NOT SIGN OR DATE THIS UNTIL YOU ARE IN FRONT OF A NOTARY PUBLIC**

\_\_\_\_\_  
APPLICANT'S SIGNATURE

\_\_\_\_\_  
DATE

**THIS IS WHERE THE NOTARY SIGNS — LEAVE THIS BLANK!**

SWORN AND SUBSCRIBED BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_.

NOTARY PUBLIC: \_\_\_\_\_ MY COMMISSION EXPIRES: \_\_\_\_\_