

STATE OF MAINE
GOVERNOR'S BOARD ON EXECUTIVE CLEMENCY
111 STATE HOUSE STATION
AUGUSTA, MAINE 04333

GENERAL INFORMATION REGARDING EXECUTIVE CLEMENCY

Thank you for your recent inquiry regarding your wish to be considered for Executive Clemency. This response is sent to everyone who applies for either a commutation or a pardon.

Listed below are answers to questions most often asked regarding Executive Clemency. **Please read them before completing any application for a pardon or commutation.**

A. What is Executive Clemency?

“Executive Clemency” refers to the constitutional power (*see* Maine Constitution, Article V, Part First, section 11) given exclusively to the Governor that allows him, following a criminal conviction or juvenile adjudication, to grant either a commutation of sentence or a pardon. A **commutation** is a partial or full reduction of a sentence for persons presently incarcerated for having committed a crime. A **pardon** (unlike a commutation) officially forgives an individual for a crime or crimes.

B. How does a pardon affect my criminal record?

The effect of a full and free pardon on an individual’s criminal record is controlled by Title 16, section 611-622 of the Maine Revised Statutes Annotated. Because Maine does not expunge or erase criminal records, one’s criminal record is not “wiped clean” by being granted a pardon; rather, information concerning the pardoned conviction is considered “non-conviction” data and is available only under the conditions or circumstances set forth in Title 16, section 611-622 of the Maine Revised Statutes Annotated. Information related to a conditional pardon or commutation may be disseminated to any person for any purpose.

C. Is there an alternative to the pardon process for a Petitioner adjudicated to have committed a juvenile crime?

A Petitioner adjudicated to have committed a juvenile crime may request a pardon. However, as an *alternative* to the pardon process, the Petitioner may petition the court in which the adjudication occurred to seal from public inspection all records pertaining to the juvenile crime and its disposition.

D. What guidelines have been established to determine whether a pardon petition will be heard?

1. Petitioners seeking a pardon will not be heard until five (5) years have elapsed from the date of completion of entire sentence, including any probation periods associated with the sentence.
2. Petitioners seeking a pardon for Operating under the Influence of Intoxicating Liquor (OUI) will not be heard.
3. Petitioners seeking a pardon will not be heard if the Petitioner is seeking to rectify alleged errors in the judicial system.
4. Petitioners seeking a pardon for the sole purpose of carrying a firearm to hunt, or otherwise, will not be heard.
5. Petitioners seeking a pardon for the sole purpose of having the Petitioner's name removed from the state's Sex Offender Registry will not be heard.
6. Petitioners seeking a pardon for one criminal conviction when the Petitioner has one or more additional serious criminal convictions that are not included in the Petitioner's application for a pardon will not be heard.
7. Petitioners seeking a pardon for the purpose of entry into Canada will not be heard. However, individuals with criminal convictions who are seeking entrance into Canada should contact the Consulate General of Canada for further information on reinstating this privilege.

In exceptional cases, the Governor's Board on Executive Clemency may waive these guidelines.

E. What guidelines have been established to determine whether a commutation petition will be heard?

1. Petitioners seeking a commutation of a sentence must have served at least one half of the Petitioner's original sentence (not including "good time"), or a minimum of one year of a sentence, **whichever is a longer period of time.** A person petitioning for a commutation must have confirmation **in writing** from the warden or superintendent of the penal institution in which the person is incarcerated, that the minimum time served criteria, discussed above, have been met.
2. Petitioners seeking commutation will not be heard if the Petitioner is seeking to rectify alleged errors in the judicial system.
3. Petitioners serving a life sentence will not be heard.

In exceptional cases, the Governor's Board on Executive Clemency may waive these guidelines.

F. What are the steps involved in the Executive Clemency process?

1. A Petitioner for Executive Clemency **must** complete the attached petition and identify **EACH CONVICTION** for which Executive Clemency is sought. In addition, a Petitioner must obtain from the court in which the Petitioner was convicted, a certified copy of the CHARGING INSTRUMENT (e.g., the Indictment, Information, or Complaint), JUDGMENT AND COMMITMENT FORM, and DOCKET SHEET for each conviction for which Executive Clemency is sought. If a Petitioner is not able to obtain the above forms (e.g. because they were destroyed or archived due to the age of the conviction), the Petitioner must have the Clerk of the Courts certify in writing that the documents are unavailable.
2. Once completed, the petition must be notarized and sent, along with all required documents, to the Department of Corrections. PLEASE NOTE: Before sending all required documents to the Department of Corrections be sure to make copies for your records should you need to reapply at a later date.
3. Upon receipt of the completed petition and necessary documents, the Department of Corrections will request a full driving record from the Bureau of Motor Vehicles. The Department of Corrections will ask the State Bureau of Identification of the Maine State Police to do a preliminary background check for the Governor's Board on Executive Clemency. Once that background check is completed, the Board will review the petitions it has received at its next regularly scheduled meeting and will grant or deny a request for hearing on each Petitioner. Petitioners will be notified in writing of the Board's decision.
4. Petitioners that are granted a hearing will be asked to appear before the Board at its next regularly scheduled meeting. In the meantime, the Division of Probation and Parole within the Department of Corrections will conduct a more thorough background investigation and present its findings to the Board. The investigation will include a personal interview between the Petitioner and a member of the staff from Division of Probation and Parole. That Division will contact each Petitioner to establish a mutually convenient time for an interview. The investigating officer may also conduct additional interviews with the Petitioner's family, friends, co-workers, neighbors or others in the Petitioner's community regarding the Petitioner's request for clemency.
5. Prior to the hearing, Petitioners must publish in a newspaper a Legal Notice announcing that a Pardon or Commutation hearing will be held. The specific requirements of the legal notice will be provided to the Petitioner by the Department of Corrections. The notice must be published once a week for four consecutive weeks prior to the date of the hearing. (See Section F for more

details regarding publication requirements.) **The expense incurred for the publication of this Legal Notice is solely the petitioner's responsibility.**

6. At the hearing, the Board will have an opportunity to ask the Petitioner about matters involving the Petitioner's application for clemency, including the reason why clemency is being sought and the circumstances surrounding the crime(s) for which a pardon or commutation is being requested. These hearings are open to the public. Following all of the hearings, the Board meets in Executive Session to discuss the Petitioner's case. The Board, which serves in an advisory capacity to the Governor, then makes its **recommendations** to the Governor.
7. The Governor, who has sole responsibility for the granting or denial of Executive Clemency, reviews the Board's recommendations and makes the final decision. The Governor will accept the Board's recommendation, reject the Board's recommendation, modify the Board's recommendation or ask the Board for more information. Petitioners are notified in writing of the Governor's decision.

G. If I am granted a hearing before the Governor's Board on Executive Clemency, what must I do?

A Petitioner who is granted a hearing before the Board must undertake the following:

1. Publish the required Legal Notice in the newspaper using the required information provided to the Petitioner by the Department of Corrections. The Legal Notice must be published in a newspaper that has substantial circulation in the county in which the Petitioner's case was tried. A list of appropriate newspapers to publish the Legal Notice will be provided with other required information by the Department of Corrections. The Legal Notice **must** appear once a week for four consecutive weeks prior to the date of the hearing. **The expense incurred for the publication of this Legal Notice is solely the petitioner's responsibility.** In addition, the Petitioner is responsible for providing a copy of the entire page from each week's newspaper in which the Legal Notice appeared to the Department of Corrections prior to the hearing.
2. Petitioners for a pardon must appear in person before the Governor's Board on Executive Clemency at a time and location in Augusta specified in writing by the Board.

Petitioners for a commutation **are not permitted** to appear in person; they must ask someone to appear on their behalf (e.g., a relative, a friend, an inmate advocate or legal counsel).
3. Petitioners may ask other persons to appear and speak on their behalf at the hearing.

4. At the Board's discretion, accommodations can be made for petitioners residing out of state to attend the hearing via telephone.

H. How long does the Executive Clemency process usually take?

The length of time varies. Petitioners should be aware that the Governor's Board on Executive Clemency meets no fewer than three (3) times a year in Augusta to review petitions and hold clemency hearings. Thus, from the time a Petitioner's properly completed application is received by the Department of Corrections, the process usually takes a minimum of six months for the Petitioner to receive the Governor's decision and could take as much as a year or longer.

The Board's decision whether or not to grant a Petitioner a hearing, and the Governor's decision whether or not to grant a Petitioner clemency are final decisions. There is no right to appeal the decisions or ask for reconsideration.

I. If I am denied a hearing or my request for a pardon or commutation is denied, how long should I wait before reapplying?

Petitioners must wait one year from the date of denial before reapplying for clemency.

J. Questions about the pardon or commutation process or to request forms

Additional questions about pardons and commutations can be directed to:

Department of Corrections
Division of Adult Community Services
111 State House Station
Augusta, Maine 04333
Telephone: (207) 287-4340

Additional petitions may be obtained from this office upon request, or by visiting the Department of Corrections website at:

<http://www.maine.gov/corrections>

**STATE OF MAINE
PETITION FOR EXECUTIVE CLEMENCY**

Please print or type and use black ink only.

Name: _____

Any prior names including a maiden name used by the Petitioner:

Date of Birth: _____

Gender: Male Female

Current Home Address:

(Street and/or Post Office Box, if applicable)

(City, State, zip code)

Home Telephone Number: _____

Alternative Telephone Number: _____

Email address: _____

1. I am seeking a (check only one): Pardon Commutation

2. Are You Presently Incarcerated? Yes No

If so, where? _____

3. Please list each Maine conviction for which you are seeking clemency (use additional paper if necessary).

Conviction	Arresting Police Dept. or Agency	Criminal Action Docket Number	County of Conviction	Sentence

4. Please list **all** criminal convictions (Federal and/or State) from **any** jurisdictions **other than** Maine. For each conviction, please provide the related docket number, the location of the conviction, and the sentence imposed. The Governor’s Board on Executive Clemency will take the necessary steps to verify the information you provide below. Be sure that your answers are as accurate and as complete as possible.

Conviction	Criminal Action Docket Number	County of Conviction	Sentence

5. Please describe the “EXCEPTIONAL circumstances” that you think would justify the Board’s consideration of your petition for executive clemency. Although there is no single definition or standard for what constitutes “exceptional circumstances,” at a minimum, you must demonstrate the compelling circumstances and appropriate need that support your petition for clemency.

IMPORTANT: If you are applying for a pardon and it has not been five (5) years since you completed your sentence and/or probation, or if you are petitioning for a commutation before you have served one half of your original sentence (before good time credits are applied), or one year (whichever is longer), please also describe the “EXCEPTIONAL circumstances” that you think would justify the Board’s early consideration of your petition. (This section only needs to be completed once for a multiple conviction petition and attach additional pages if necessary to describe the exceptional circumstances.)

6. If you have sought Executive Clemency in the past for this or other crimes, please complete the following:

A. Date(s) of Petition(s):

B. Conviction(s) for which you sought Executive Clemency:

C. Were you granted a hearing(s)? Yes No

D. If a hearing(s) was granted, what was the result?



Under penalties of perjury, I believe that the statements in this written application and any documents made a part hereof are, to the best of my knowledge, information, and belief, true, correct, and complete.

Petitioner's Signature

Date

State of Maine

County of _____

The above named petitioner personally appeared before me on this _____ day of _____, _____, and made oath that the foregoing application is true to the best of his or her knowledge, information, and belief.

Signature of Notary: _____

Name of Notary Public: _____
(Please print)

Notary Public Commission Expiration Date: _____

**Please return this petition to: Maine Department of Corrections
Division of Adult Community Corrections
State House Station 111
Augusta, Maine 04333**