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The records in this series are Confidential according to IC 11-8-5-1 *et seq.* And 210 IAC 1-6-2

The Parole Board meets monthly to examine the merits of Petitions for Clemency. The Board reports to the Governor its conclusions and recommendations in each case considered. By terms of the Indiana Constitution, only the Governor can grant clemency, except in cases of treason or impeachment, for which authority resides with the General Assembly.

### **APPLYING FOR CLEMENCY**

- (a) Four months are usually required after receipt of eligible petitions before they can be considered at a hearing. This will allow adequate time to schedule appearances and to prepare necessary background information.
- (b) Each petitioner for clemency will be advised when and where appearances will be held and the final action taken on the petition by the Governor.
- (c) All petitions will be filed on forms provided by the Board.

### **ELIGIBILITY FOR CONSIDERATION**

- (a) Petitions of offenders sentenced under IC 35-50 ("New Code") and who have been sentenced to a period of time in excess of ten (10) years, may be considered after the offender has served one-third (1/3) of or 20 years, whichever comes first.
- (b) Petitions of offenders serving life sentences ("Old Code") may be considered after the offender has served ten (10) years.
- (c) A petition that is denied may be considered after one (1) year, upon request of the offender, if the sentence is sixty (60) years or less; after two (2) years, if the sentence is a single life sentence or greater than sixty (60) years; and after five (5) years, if the sentence is more than one life sentence.
- (d) For purposes of clemency, the "sentence" is the maximum amount of time the offender could possibly be incarcerated and is not diminished by reason of credit time or good time earned.
- (e) The "sentence" is calculated by totaling the number of years of consecutive sentences or consecutive parts of sentences when sentences overlap.
- (f) For purposes of clemency, the amount of time that has been served on a sentence is determined without regard to credit time or good time that has been earned either prior to or following sentencing. Credit for time served prior to sentencing ("jail time credit") shall be counted toward the amount of time served on a sentence to the extent that it reflects the actual number of days incarcerated prior to sentencing.
- (g) Offenders, who have served their minimum sentence and are eligible for parole consideration, are not eligible for clemency consideration
- (h) No petition will be considered if the offender does not have a clear institutional record for twelve (12) months immediately preceding the hearing. An offender does not have a clear institutional record if the record shows a conviction of a major violation or two (2) or more minor violations.
- (i) No petition will be considered unless the offender has at least one (1) year remaining to be served from the date of his clemency hearing before the Board and his projected release date.



# PETITION FOR CLEMENCY

State Form 1213 (R6 / 4-97)

## TYPE OF CLEMENCY REQUESTED

Reprieve                       Commutation of Sentence

Pardon \*

\* Petitioner must have completed any executed sentence before submitting petition.

\_\_\_\_\_  
Name of petitioner

\_\_\_\_\_  
DOC Number

\_\_\_\_\_  
Institution where confined

\_\_\_\_\_  
Jail time credit

\_\_\_\_\_  
Name of court where tried

\_\_\_\_\_  
County where tried

\_\_\_\_\_  
Date of sentencing

\_\_\_\_\_  
Length/term of sentencing

\_\_\_\_\_  
Conviction(s)

\_\_\_\_\_  
Names of co-defendants *(if any)*

\_\_\_\_\_  
Reason clemency is requested

\_\_\_\_\_  
For pardon requests only: Home address *(street, city, state and ZIP code)*

\_\_\_\_\_  
*List below any persons who may wish to testify before the Parole Board in your case (optional): (LIMIT THREE)*

\_\_\_\_\_  
**NAME**

\_\_\_\_\_  
**ADDRESS (street or R.R. No., city, state, ZIP code)**

\_\_\_\_\_  
**RELATIONSHIP**

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I, the above named petitioner, do respectfully request that the Honorable Governor of Indiana, grant this petition of clemency.

I affirm that the statements contained above are true and correct to the best of my knowledge.

Signature of petitioner

Date of signature

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Name of petitioner

DOC number

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**THIS SECTION IS TO BE COMPLETED BY THE TRIAL JUDGE AND/OR PROSECUTOR, WHEN COMPLETED, MAIL TO:**

**Indiana Parole Board  
302 W. Washington St., Rm. E321  
Indianapolis, IN 46204-2278**

*The Indiana Parole Board respectfully requests the trial judge and trial prosecuting attorney to make any statements regarding the offender, named on this petition, who is petitioning for clemency. If the trial judge or prosecuting attorney is unavailable, the current judge or prosecuting attorney, as appropriate, is requested to supply such information in regard to the offender, the trial and community reaction, as may be available, If you wish to decline to make a statement, please note this in the area provided, as this fact must be recorded in the petition along with the name of and office of the person contacted to make the statement. Please return this document directly to the parole Board as soon as possible.*

**STATEMENT BY TRIAL JUDGE OR SUCCESSOR**

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Name of trial judge (please print or type)

Date signed

Declined to make statement

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**STATEMENT OF PROSECUTING ATTORNEY OR SUCCESSOR**

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Name of prosecuting attorney (*please print or type*)

Date signed

Declined to make statement

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## CONSIDERATION OF PETITION AND RECOMMENDATIONS

- (a) The statements of the trial judge and the trial prosecuting attorney must be included in the petition for clemency. If either the trial judge or the trial prosecuting attorney is deceased or otherwise unavailable, then a statement from the successor(s) in office will be accepted. If either or both parties decline making a statement, this fact shall be recorded in the petition along with the name and office of the person(s) contacted to make a statement.
- (b) An investigation of the attitudes and opinions of the community in which the crime occurred, of the victim or of the relatives and friends of the victim, or of the friends of the offender may be required by the Parole Board prior to making its recommendation to the Governor.
- (c) A report of the offender's medical, psychological and psychiatric condition and history may be required by the Parole Board prior to making its recommendation to the Governor.
- (d) In making its recommendation to the Governor, the Parole Board shall consider:
  - (1) the nature and circumstances of the crime for which the offender is committed, and the offender's participation in that crime;
  - (2) the offender's prior criminal record;
  - (3) the offender's conduct and attitude during commitment, and;
  - (4) the best interests of society.
- (d) In making its recommendation to the Governor, the Parole Board may consider:
  - (1) the offender's previous social history;
  - (2) the offender's employment during commitment;
  - (3) the offender's education and vocational training both before and during commitment;
  - (4) the offender's age at the time of committing the offense and his age and level of maturity at the time of the clemency appearance;
  - (5) the offender's medical condition and history;
  - (6) the offender's psychological and psychiatric condition and history;
  - (7) the offender's employment history prior to commitment;
  - (8) the relationship between the offender and the victim of the crime;
  - (9) the offender's economic condition and history;
  - (10) the offender's previous parole or probation experiences;
  - (11) the offender's participation in the substance abuse programs;
  - (12) the attitudes and opinions of the community in which the crime occurred, including those of law enforcement officials;
  - (13) the attitudes and opinions of the victim of the crime, or the relatives of the victim;
  - (14) the attitudes and opinions of the friends and relatives of the offender;
  - (15) any other matter reflecting upon the likelihood that the offender, if released upon parole, is able to and will fulfill the obligations of a law abiding citizen;
  - (16) the offender's proposed places of employment and of residence where he is to be released on parole.
- (f) When hearings are held, interested persons may attend and testify by prior appointment.