

# PARDON FOR INNOCENCE

## NOTICE TO APPLICANT

Please read the application instructions carefully, and complete the application accordingly.

Submission of incomplete applications or applications that do not comply with instructions may result in the Board's Clemency Section soliciting you in writing for the correct documentation.

Failure to comply with instructions will delay processing.

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**For your records, make copies of all documentation that you submit to the Board's Clemency Section.**

Due to the inability to retain records for extended time periods for incomplete applications, we are advising you NOT to provide originals of personal items, including but not exclusive to photos, transcripts, birth and other certificates, achievement awards, licenses, literature, social security and other identification cards or items, notebooks or binders, and clemency proclamations. You may in lieu of originals provide copies of these documents with your submitted application.

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# PARDON FOR INNOCENCE

## INSTRUCTIONS & CHECKLIST

Mail completed applications to: TEXAS BOARD OF PARDONS AND PAROLES  
ATTN: CLEMENCY SECTION  
8610 SHOAL CREEK BLVD.  
AUSTIN, TX 78757

1. Submit a completed application form in compliance with board rules governing pardons for innocence. Please respond to **all** items. If necessary, use “N/A,” “Unknown,” “None,” or “Do not remember.”
2. Applications must be typed or printed legibly in **black or blue** ink.
3. Certified court documentation (indictment, judgment and sentence) for each adult conviction for which you are requesting a Pardon for Innocence. For complete instructions, refer to Page 2 of 2.
4. Offense (arrest) reports for each adult conviction for which you are requesting a Pardon for Innocence. Obtain these documents from the arresting agency. The documents do not need to be certified. For complete instructions, refer to Page 2 of 2.
5. **A written recommendation of a majority of the current trial officials**, with one trial official submitting documentary evidence of actual innocence (the present prosecuting attorney, judge, and sheriff/chief of police of the arresting agency from the county and court of offense, conviction and release) and compliance with board rules governing Pardon for Innocence
6. Complete the attached application form as presented. You may submit attached documents as instructed in the application. Do not **alter** the presentation of this application either through reformatting or rewriting. Do not bind or staple the application with any other submitted material.
7. The application must be signed and dated by the applicant.
  - If the Board recommends Pardon For Innocence, the Governor makes the final decision. The applicant will be notified in writing upon final action.
  - Please let us know of any change of address or telephone number.
  - On the Application Page 1 of 6, A. Demographic Information, where asked to provide the applicant’s current name, input the full name as it might appear on a Governor’s proclamation.

## GENERAL INFORMATION

**Definition** - A pardon based on actual innocence exonerates an individual of the crime and erases the conviction. In order to consider a pardon for innocence, the Texas Board of Pardons and Paroles requires either evidence of actual innocence from at least two trial officials; or the findings of fact and conclusions of law from the district judge in a state habeas action indicating actual innocence.

## **PROCEDURES FOR OBTAINING COURT DOCUMENTATION**

All court documents must be **CERTIFIED**, whether they originate from the office of the District, County, or Municipal Clerk. Acquire the proper documentation, accordingly:

**IF** convicted and the judgment included a court ordered **fine** and or **restitution**, furnish a statement from the appropriate clerk confirming the amount paid.

**IF** convicted and the sentence is probated or deferred, furnish the Complaint/Indictment or Information, Judgment, Sentence and Dismissal.

**IF** convicted of a misdemeanor resulting in a fine and/or jail time, furnish the Complaint, Judgment and Sentence.

**IF** arrested and the charge was dropped or dismissed, furnish the charging papers and the Dismissal. If unobtainable, furnish a dismissal or “no formal charge made” statement from the prosecuting attorney.

**IF** arrested for out-of-state, federal or foreign offense(s) prior to the last Texas conviction, furnish court documentation. If convicted, provide clearance by Pardon For Innocence from the jurisdiction or show by official source, preferably the court of conviction, that no civil rights were lost.

**IF** convicted of a felony probation and revoked to the Texas Department of Criminal Justice – Correctional Institutions Division (TDCJ-CID), furnish the Indictment, Judgment and Sentence granting probation and the revocation document(s), and a copy of the TDCJ discharge certificate.

**IF** convicted of a felony, sentenced to TDCJ-CID and currently on parole or mandatory supervision or on annual report status, or have discharged the sentence, furnish the Indictment, Judgment, Sentence and a copy of the TDCJ discharge certificate. Contact the following office(s) to obtain the appropriate certificate:

TDCJ-CID RECORDS OFFICE  
P. O. BOX 99  
HUNTSVILLE, TEXAS 77342

or

TDCJ PAROLE SUPERVISION  
8610 SHOAL CREEK BLVD.  
AUSTIN, TEXAS 78758

## **PROCEDURES FOR OBTAINING ARREST/OFFENSE REPORTS**

For **each** criminal offense, acquire from the appropriate law enforcement arresting agency copies of the arrest/offense reports. These copies of reports do not have to be certified. For offenses involving drugs, please provide copies of laboratory reports.

## APPLICATION FOR PARDON FOR INNOCENCE TO THE TEXAS BOARD OF PARDONS & PAROLES

### *TO THE BOARD OF PARDONS AND PAROLES OF TEXAS:*

I hereby request the Board of Pardons and Paroles or its designated agent to file this application for Clemency, to investigate the statements herein made under oath and, if the facts so justify, make a favorable recommendation to the Governor of the State of Texas that a Pardon For Innocence, to which I may be entitled under the laws of the State of Texas, be granted.

### A. DEMOGRAPHIC INFORMATION

Current full name	Last Name	<input type="checkbox"/> Jr.	<input type="checkbox"/> III	First Name	Full Middle Name
		<input type="checkbox"/> Sr.	<input type="checkbox"/> IV		
Name(s) convicted under					
Race and sex	Race _____		Sex _____		
Date and place of birth	Date of birth _____		Place of birth _____		
Driver's license	State _____		License Number _____		
Alias names (including maiden name, name by former marriage and nicknames), birth dates, social security #'s, etc.					
Current marital status	<input type="checkbox"/> Married – Spouse's Name:				
	<input type="checkbox"/> Divorced	<input type="checkbox"/> Separated	<input type="checkbox"/> Single		
Children / support / alimony	I have _____ children under the age of 18 years.				
	I am supporting the following named children under the age of 18 years:				
	_____				
	I currently pay \$ _____ / month in child support.				
	I currently pay \$ _____ / month in alimony.				

**B. ADDRESSES**

<b>Current Mailing Address</b> <i>Indicate your current mailing address.</i>		<b>Current Physical Address</b> <i>Provide information even if the physical and mailing addresses are the same.</i>
Number and street _____ Apartment _____		Number and street _____ Apartment _____
City _____ State _____ Zip Code _____		City _____ State _____ Zip Code _____
Home phone number [ _____ ] _____ Work phone number [ _____ ] _____ Email Address _____		County of residence _____ Years resided at physical residence _____

**Previous Addresses**

List **all** previous physical addresses since age 18. Do not use post office boxes. If you lived in an apartment complex, list your apartment number. *All time periods must be accounted for.* Include complete dates (months and years of residence), addresses, city, state and zip codes. Complete this page before attaching any additional page(s). Place attachments behind this page.

From (month/year):	Number and street _____	Apartment _____
To (month/year):	City _____	State _____ Zip Code _____

From (month/year):	Number and street _____	Apartment _____
To (month/year):	City _____	State _____ Zip Code _____

From (month/year):	Number and street _____	Apartment _____
To (month/year):	City _____	State _____ Zip Code _____

From (month/year):	Number and street _____	Apartment _____
To (month/year):	City _____	State _____ Zip Code _____

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### C. EMPLOYMENT

Please give a comprehensive adult (since age 18) employment history, beginning with your present employment and working backwards. Include employer's name, address, your job position working title, description of job duties, salary, dates employed, and reason for leaving. Complete this page before attaching any additional page(s). Place attachments behind this page.

From (month/year):	Employer name
To (month/year):	Employer address
Job position (working title)	Description of your work duties
Average monthly salary	Reason for leaving

From (month/year):	Employer name
To (month/year):	Employer address
Job position (working title)	Description of your work duties
Average monthly salary	Reason for leaving

From (month/year):	Employer name
To (month/year):	Employer address
Job position (working title)	Description of your work duties
Average monthly salary	Reason for leaving

From (month/year):	Employer name
To (month/year):	Employer address
Job position (working title)	Description of your work duties
Average monthly salary	Reason for leaving

**D. STATUS**

<p>Are you currently incarcerated in a Texas penal institution? <i>If "yes," list your (TDCJ-CID) identification number.</i></p>	<p><input type="checkbox"/> Yes    <input type="checkbox"/> No ID number: _____</p>
<p>Were you ever incarcerated in a Texas penal institution? <i>If "yes," list all (TDCJ-CID) identification numbers.</i></p>	<p><input type="checkbox"/> Yes    <input type="checkbox"/> No Prior ID number: _____ Prior ID number: _____</p>
<p>Are you currently serving a term of probation? <i>If "yes", identify the county of current residence, name and phone number of your probation officer.</i></p>	<p><input type="checkbox"/> Yes    <input type="checkbox"/> No County: _____ Name: _____ Number: (    ) _____</p>
<p>Are you currently on parole, annual report status, or serving a term of mandatory supervision? <i>If "yes", identify the county of current residence, name and phone number of your parole officer.</i></p>	<p><input type="checkbox"/> Yes    <input type="checkbox"/> No County: _____ Name: _____ Number: (    ) _____</p>
<p>Do you have any pending criminal charges? <i>If "yes," attach an explanation page. Place the attachment behind this page.</i></p>	<p><input type="checkbox"/> Yes    <input type="checkbox"/> No</p>
<p>Have you been incarcerated in a federal or non-Texas state institution? <i>If "yes," list all identification numbers. Include the facility name and location.</i></p>	<p><input type="checkbox"/> Yes    <input type="checkbox"/> No ID Number: _____ Institution: _____ Location: _____</p>
<p>Do you have any prior federal or out of state convictions resulting in a loss of civil rights that have not been cleared by a pardon? <i>If "yes," attach an explanation page. Place the attachment behind this page.</i></p>	<p><input type="checkbox"/> Yes    <input type="checkbox"/> No</p>



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**F. CERTIFICATION BY APPLICANT**

*Please read the following statements carefully and indicate your understanding and acceptance by signing in the space provided. This application must be signed.*

I hereby give my permission to the Board of Pardons and Paroles or its designated agent to make any inquiry and receive any information of record that it may deem proper in the investigation of this application for clemency; and

I understand that compliance with these requirements is sufficient for the Board's consideration of this application, but compliance does not necessarily mean that favorable action will result.

I hereby swear upon my oath that I am the subject herein named and the facts contained in this application are true and correct.

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**Applicant's Signature (Full Name)**

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**Date**

## CRIMINAL HISTORY INFORMATION

Provide information on all adult criminal offenses (**list one offense per page**) and the disposition of each arrest. For these purposes, adult is defined as all arrests committed when age 16 or older or when younger than age 16 but certified as an adult. All blanks must be completed for each criminal offense. Included in this application are two (2) blank "Criminal History Information" pages provided in the event that you have multiple arrests.

**Photocopy as many of these blank pages as needed to list additional offenses.**

**Criminal Offense:** \_\_\_\_\_

*List the offense as it appears in the court documentation.*

**Are you requesting a Pardon For Innocence for this offense?**

Yes /  No

*Only Texas felony convictions are eligible for Pardon For Innocence consideration.*

**Additional Information about the Criminal Offense**

**County:** \_\_\_\_\_ **State:** \_\_\_\_\_

**Cause Number:** \_\_\_\_\_

**Court of Adjudication:** \_\_\_\_\_

*Mark "N/A" if not adjudicated in a Court.*

**Disposition/Sentence Date:** \_\_\_\_\_

*Date of sentencing or other form of court adjudication. Mark "N/A" if not adjudicated in a Court.*

**Court Disposition/Sentence:** \_\_\_\_\_

*Examples of possible responses that you may modify to reflect your circumstance:*

- 5 years TDCJ
- 2 years State Jail Felony
- 2 years probation

**Fine ordered in the Sentence?**  Yes  No **If "Yes", indicate the amount:** \$ \_\_\_\_\_

**Was the fine paid in full?**  Yes  No

**Restitution ordered in the Sentence?**  Yes  No **If "Yes", indicate the amount:** \$ \_\_\_\_\_

**Was the restitution paid in full?**  Yes  No

**Final Disposition:** \_\_\_\_\_

*Examples of possible responses that you may modify to reflect your circumstance:*

- Jail sentence completed
- State Jail Felony sentence completed
- TDCJ-CID sentence completed
- Currently on parole
- Currently incarcerated in a State Jail facility
- Currently incarcerated in TDCJ-CID



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**Additional Information about the Criminal Offense**

**County:** \_\_\_\_\_ **State:** \_\_\_\_\_

**Cause Number:** \_\_\_\_\_

**Court of Adjudication:** \_\_\_\_\_

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**Court Disposition/Sentence:** \_\_\_\_\_

Examples of possible responses that you may modify to reflect your circumstance:

5 years TDCJ  
2 years State Jail Felony  
2 years probation

**Fine ordered in the Sentence?**  Yes  No **If "Yes", indicate the amount:** \$ \_\_\_\_\_

**Was the fine paid in full?**  Yes  No

**Restitution ordered in the Sentence?**  Yes  No **If "Yes", indicate the amount:** \$ \_\_\_\_\_

**Was the restitution paid in full?**  Yes  No

**Final Disposition:** \_\_\_\_\_

Examples of possible responses that you may modify to reflect your circumstance:

Jail sentence completed  
State Jail Felony sentence completed  
TDCJ-CID sentence completed  
Currently on parole

Currently incarcerated in a State Jail facility  
Currently incarcerated in TDCJ-CID



# PARDON FOR INNOCENCE CHECKLIST

*Before submitting your application, please ensure that you have complied with all application instructions and have reviewed the checklist information provided on this page. Incomplete applications will not be forwarded to the Texas Board of Pardons and Paroles for voting consideration.*

## Eligibility

Did you review your eligibility for pardon for innocence consideration by reviewing board rules governing pardon for innocence?

## Completing the Pardon For Innocence Application Form

Did you complete the application form as instructed? Review to ensure that you have complied with all instructions, including the following:

- (1) Type or print legibly in black or blue ink;
- (2) Do not alter the presentation of the application by reformatting or rewriting the form, and do not bind or staple the application;
- (3) Respond to all items, if necessary using “N/A,” “Unknown,” “None,” or “Do not remember;”
- (4) For each adult conviction for which you are requesting a pardon for innocence, complete application pages titled “Criminal History Information” and “Subject’s Version” as instructed, with a complete and detailed Subject’s Version of Offense with location, offense date, law enforcement agency involved, events leading up to the offense and your extent of involvement in the case;
- (5) Sign with your full name the application form with a date of signature.

## Certified Court Documentation

Did you provide appropriate certified court documentation (indictment/complaint/information, judgment & sentence) or clerk statement (fine/restitution paid) for **all convictions** for which you are requesting a commutation of sentence. Refer to application instruction Page 2 of 2, Procedures for Obtaining Court Documentation, for detailed instructions.

## Offense/Arrest Reports

Did you provide offense reports for **all convictions** for which you are requesting a pardon for innocence from the appropriate law enforcement agency? For example, if you were arrested by the Austin Police Department, you must request offense reports from that agency. If you were arrested by the Travis County Sheriff’s Department, you must contact that agency.

If you are unsure of the arresting agency, you may access public record information pertaining to criminal convictions and deferred adjudications by accessing the Texas Department of Public Safety (DPS) Crime Records Service website <http://records.txdps.state.tx.us/>; or you may contact DPS to request assistance in acquiring criminal history information.

# TEXAS BOARD OF PARDONS AND PAROLES RULES



## Chapter 143. EXECUTIVE CLEMENCY

### Subchapter A. FULL PARDON AND RESTORATION OF RIGHTS OF CITIZENSHIP

#### §143.1. Authority To Grant Pardons

Except in cases of treason or impeachment, after conviction, the governor may grant a full pardon upon the recommendation and advice of a majority of the board (Texas Constitution, Article IV, §11; Texas Code of Criminal Procedure, Articles 48.01 and 48.03).

#### §143.2. Pardons for Innocence

- (a) On the grounds of innocence of the offense for which convicted the board will consider applications for recommendation to the governor for a pardon for innocence upon receipt of:
  - (1) a written recommendation of at least two of the current trial officials of the court of conviction, with one trial official submitting documentary evidence of actual innocence; or
  - (2) a certified order or judgment of a court having jurisdiction accompanied by a certified copy of the findings of fact and conclusions of law where the court recommends that the Court of Criminal Appeals grant state habeas relief on the grounds of actual innocence.
- (b) Evidence submitted under subsection (a)(1) of this section shall include the results and analysis of pre-trial and post-trial DNA tests or other forensic tests, if any, and may also include affidavits of witnesses upon which the recommendation of actual innocence is based.