

COMMUTATION OF SENTENCE

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.

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.

COMMUTATION OF SENTENCE

INSTRUCTIONS & CHECKLIST

Submit completed applications to: TEXAS BOARD OF PARDONS AND PAROLES
ATTN: CLEMENCY SECTION
8610 SHOAL CREEK BLVD.
AUSTIN, TX 78757
FAX: 512-467-0945
EMAIL: bpp_clemency@tdcj.texas.gov

1. Submit a completed application form. 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 Commutation of Sentence. For complete instructions, refer to Page 2 of 2.
4. Offense (arrest) reports for each adult conviction for which you are requesting a Commutation of Sentence. 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** (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 Commutation of Sentence.
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 a Commutation of Sentence, 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 Commutation of Sentence results in a reduction of the sentence to a lesser time period. A commutation can be granted for time served. Commutations of sentence will be granted only upon the written recommendation of a majority of the applicant’s trial officials in the county of conviction, stating that the penalty now appears to be excessive, recommending a definite term, based on new information not before the judge or jury at trial, or a statutory change in the penalty.

Frequently Asked Question - Visit our website at <https://www.tdcj.texas.gov/bpp/faq/ClemencyProcess.html> for answers to common questions.

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 and Sentence.

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

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).

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 and Sentence and a copy of the TDCJ parole 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 COMMUTATION OF SENTENCE 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 Commutation of Sentence, to which I may be entitled under the laws of the State of Texas, be granted.

A. DEMOGRAPHIC INFORMATION

Current full name	Last Name	☐ Jr. ☐ III ☐ Sr. ☐ IV	First Name	Full Middle Name
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	☐	Married – Spouse's Name:		
	☐	Divorced	☐	Separated
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

Current Mailing Address <i>Indicate your current mailing address.</i>		Current Physical Address <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 []		County of residence	
Work phone number []		Years resided at physical residence	
Email Address			

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

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

Are you currently incarcerated in a Texas penal institution? <i>If "yes," list your (TDCJ-CID) identification number.</i>	☐ Yes ☐ No ID number: _____
Were you ever incarcerated in a Texas penal institution? <i>If "yes," list all (TDCJ-CID) identification numbers.</i>	☐ Yes ☐ No Prior ID number: _____ Prior ID number: _____
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>	☐ Yes ☐ No County: _____ Name: _____ Number: (____) _____
Are you currently on parole, annual report status, or serving a term of mandatory supervision? <i>If "yes," identify the county of current residence.</i>	☐ Yes ☐ No County: _____
Do you have any pending criminal charges? <i>If "yes," attach an explanation page. Place the attachment behind this page.</i>	☐ Yes ☐ No
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>	☐ Yes ☐ No ID Number: _____ Institution: _____ Location: _____

State the reasons and circumstances for requesting a commutation of sentence.

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

Complete this page before attaching any additional page(s). Place any attachments immediately behind this page.

(Last Name, First and Middle Name)

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.

Applicant's Signature (Full Name)

Date

(Last Name, First and Middle Name)

DATE

CRIMINAL HISTORY INFORMATION

Provide information on all criminal convictions for which you are requesting a Commutation of Sentence (**list one offense per page**) and the disposition of each conviction. All blanks must be completed for each conviction. Included in this application are two (2) blank "Criminal History Information" pages provided in the event that you have multiple convictions.

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

Criminal Offense: _____

List the offense as it appears in the court documentation.

Are you requesting a Commutation of Sentence for this offense?

☐ Yes / ☐ No

Additional Information about the Criminal Offense

County: _____ State: _____

Cause Number: _____

Court of Adjudication: _____

Disposition/Sentence Date: _____

Date of sentencing.

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

(Last Name, First and Middle Name)

On this “Applicant’s Version” page you are providing additional information – your version of events – about the offense that you listed on the preceding “Criminal History Information” page. Describe in your own words the factual circumstances of the offense.

Responses such as “N/A,” “Unknown,” or “None” are not acceptable for this section of the application. If you do not remember any of the details about this offense you may provide a statement to that effect.

List the offense as it appears in the court documentation. The offense should match the wording on the corresponding Criminal History Information page.

Offense date(s):

Law enforcement agency involved:

State in detail events leading up to the offense and the extent of your involvement in this case:

Complete this page before attaching any additional page(s). Place any attachments immediately behind this page.

Place all court documents and offense/arrest reports for this offense after your Applicant's Version page(s). Refer to application instruction, Procedures for Obtaining Court Documentation, for information on documents to provide with the application.

DATE

(Last Name, First and Middle Name)

CRIMINAL HISTORY INFORMATION

Provide information on all criminal convictions for which you are requesting a Commutation of Sentence (**list one offense per page**) and the disposition of each conviction. All blanks must be completed for each conviction. Included in this application are two (2) blank "Criminal History Information" pages provided in the event that you have multiple convictions.

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

Criminal Offense: _____

List the offense as it appears in the court documentation.

Are you requesting a Commutation of Sentence for this offense?

☐ Yes / ☐ No

Additional Information about the Criminal Offense

County: _____ State: _____

Cause Number: _____

Court of Adjudication: _____

Disposition/Sentence Date: _____

Date of sentencing.

Court Disposition/Sentence: _____

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

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

Was the restitution paid in full? ☐ Yes ☐ No

_____9_____

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List the offense as it appears in the court documentation. The offense should match the wording on the corresponding Criminal History Information page.

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Place all court documents and offense/arrest reports for this offense after your Applicant's Version page(s). Refer to application instruction, Procedures for Obtaining Court Documentation, for information on documents to provide with the application.

COMMUTATION OF SENTENCE 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 commutation of sentence consideration by reviewing board rules governing commutation of sentences?

Completing the Commutation of Sentence 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 commutation of sentence, complete application pages titled “Criminal History Information” and “Applicant’s Version” as instructed, with a complete and detailed Applicants’ 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 commutation of sentence 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 by accessing the Texas Department of Public Safety (DPS) Crime Records Service website <https://www.dps.texas.gov/section/crime-records>; 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 E. COMMUTATION OF SENTENCE

§143.51. Commutation of Sentence

Except in cases of treason and impeachment, upon the recommendation of the Board, the Governor may grant a commutation of sentence as authorized by the Texas Constitution, Article IV, Section 11.

§143.52. Commutation of Sentence, Felony, or Misdemeanor

- (a) The Board will consider recommending to the Governor a commutation of sentence upon a request accompanied by the written recommendation of a majority of the trial officials.
- (b) If the offender has the recommendation of two of the current trial officials and no written communication is received from the third trial official, the Board shall give the remaining trial official notice that such a clemency recommendation is being considered by the Board.
- (c) In cases tried prior to the tenure of the present office-holders, the recommendation of persons holding such offices at the time of the trial of the case may be used to bolster and support the recommendation of the current trial officials, if in compliance with the requirements of subsection (d) of this section.
- (d) The requirements of a recommendation of the current trial officials for commutation of sentence must include the following:
 - (1) a statement that the penalty now appears to be excessive;
 - (2) a recommendation of a definite term now considered by the officials as just and proper; and
 - (3) a statement of the reasons for the recommendation based upon facts directly related to the facts of the cases and in existence, but not available to, the court or jury at the time of the trial, or a statutory change in penalty for the crime which would appear to make the original penalty excessive.
- (e) If the offender is not confined in the TDCJ-CID, a certified copy of the judgment and sentence must be furnished.

§143.53. Commutation of Remainder of Jail Sentence and/or Fine after Reprieve

The Board will consider recommending to the Governor a commutation of the remainder of the time left to serve on a jail sentence and/or commutation of fine after satisfactory completion of a reprieve of the jail sentence and/or fine.

§143.54 Commutation for Jail Time Served before Sentence for Felony Conviction

The Board will consider a written application for commutation, on a felony conviction, resulting in credit for time served in jail from the time of sentence only if the applicant has been continuously in jail during the entire period for which the application is made and only upon receipt in writing of the following information from the judge of the court of conviction:

- (1) the name of the convicted defendant;
- (2) the cause number and court in which the conviction occurred;
- (3) a statement that it was the intent of the sentencing judge, at the time of sentencing, that the applicant be given credit for the jail time served, but that such credit was not given through oversight or error, as the case may be;
- (4) a statement of the exact number of days, months, or years which should be credited on the sentence;
- (5) a statement that the applicant was continuously in custody and in jail for the total credit period requested;
- (6) a request that the Board make favorable recommendation to the Governor that such time credit be allowed.

§143.58 Request of the Governor

The Board shall investigate and consider a recommendation of commutation of sentence in any case, upon the written request of the Governor as authorized by Texas Government Code Section 508.050.