PREPARATION THROUGH THE CRIMINAL JUSTICE SYSTEM

PRISON PROFESSORS PLAYBOOK

Preparing for Your Federal Case, Sentencing, and Life Beyond Prison

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Free educational resources for people and families facing the criminal justice system.

Attorneys and Defendants / Edition—November 9, 2026 / Team@PrisonProfessors.org

About This Book

This book invites you to prepare for the life ahead of you, beginning with the choices available today. You may be learning about an investigation, facing charges, preparing for sentencing, or anticipating a period of confinement. Wherever you begin, you can consider the future you want to build and the steps you can take toward it.

I founded Prison Professors, a nonprofit that provides free educational resources for people going through the criminal justice system. I am not a lawyer. My perspective comes from serving 26 years in prisons of every security level and emerging with my dignity intact, prepared to succeed. Through this workbook, I share lessons from that experience and from people who taught me how to respond to adversity. My purpose is to help you develop an effective mitigation strategy while preparing for the responsibilities and opportunities ahead.

During my imprisonment, I focused on earning academic credentials, contributing to society, and building a strong coalition of support. Those priorities reflected my circumstances and the future I hoped to create. I describe that experience extensively in *Earning Freedom: Conquering a 45-Year Prison Term*. Here, I draw upon those lessons to help you develop a plan suited to your own life.

Begin by defining success: What would the best possible outcome look like for you? With that vision in mind, identify your priorities and decide what you should do first. This workbook offers ideas for developing the tools, tactics, and resources you will need to put your plan into action.

Your background, responsibilities, relationships, and aspirations may differ considerably from mine. Let those differences inform your decisions. Consider how each lesson applies to your circumstances, choose actions that support the future you want, and review your progress as you learn. As your understanding deepens and circumstances change, adjust your strategy and continue the work.

Michael Santos

Free Access and Distribution

Prison Professors Charitable Corporation funds free printed copies for defense attorneys and people who request them. A free PDF edition allows attorneys to share the workbook with their clients. Our lessons, videos, and tools on PrisonProfessors.org are also free.

The paperback edition is intended to remain available through Amazon at the lowest price permitted by its printing and marketplace requirements. You do not need to purchase a copy to use our educational resources.

Attorneys may share the complete, unaltered PDF with their clients at no charge. We intend to make an audio version available through the Audible platform, and through Prison Professors.

Purpose and Use

This workbook provides general education and opportunities for reflection. It does not provide legal representation or advice about a particular case. Laws, court procedures, and prison policies can change; case-specific legal decisions require advice from the attorney representing you.

Private reflection and public writing serve different purposes. You decide which responses remain private. Before sharing material about pending charges, disputed conduct, or another person's private information, consider the consequences and discuss case-sensitive disclosures with counsel.

Preparation can strengthen the work you present to others. Decisions about a sentence, prison placement, release, or other opportunities remain with the people authorized to make them.

Using This Book

Use the contents to find the subjects relevant to your current circumstances. Read the opening lessons for context, then return to particular chapters as questions or decisions arise.

Consider what applies to your life

My experiences provide examples of choices I made. Evaluate the ideas in relation to your own responsibilities, resources, and aspirations. You may identify different priorities or organize your plan in a different way.

Develop a record you can use

Where writing helps you clarify a decision, develop your thoughts in a separate document or notebook. Your work may become a personal plan, a set of questions, or a record of preparation you choose to share.

Return to your assumptions

Circumstances change. Revisit your plan when you learn something that affects a decision, a commitment, or the opportunities available to you. Choose a review process that fits your life.

The companion videos offer another way to study. The book stands on its own. Visit PrisonProfessors.org for the website lessons, videos, and other free resources.

A Note to Defense Attorneys

We invite you to collaborate with Prison Professors by sharing this workbook with people you represent. We also welcome you to join our attorney directory at no charge, introducing your practice as a resource for the 100,000 people who visit PrisonProfessors.org.

Our free educational resources help people understand the challenges ahead and consider responsibilities that extend beyond their immediate case. We encourage readers to define the future they want, develop a plan, and take deliberate steps toward it. Your clients can use these lessons to prepare for the decisions, relationships, and responsibilities they will encounter throughout the process and in the years that follow.

You may share the free PDF with clients and request nonprofit-funded printed copies. Direct readers to the chapters most relevant to their circumstances. If you would like a version prepared specifically for your law firm, please contact us to discuss how we can help.

Our mission is to improve outcomes for every person in the federal prison system and advocate for changes that reward the pursuit of excellence. We work toward a system in which more people can earn freedom through merit, supported by a record of preparation and contribution. We welcome opportunities to collaborate with defense attorneys in helping people begin that work.

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PART 1

Begin Preparing

The opening lessons describe how I began preparing while facing a long prison sentence. I share this abbreviated account of my experience to earn your trust and show that the practices I encourage you to consider are practices I followed myself. My hope is that these lessons will inspire you to act deliberately, recognizing how your daily decisions can improve your prospects at every stage ahead.

You may be entering the criminal justice system, and your attorney may succeed in exonerating you. While working toward the best possible outcome, you can also prepare for other possibilities. Consider what you can learn, what responsibilities you can address, and what steps you can take now to strengthen your ability to advocate for yourself in the years ahead.

If your path includes supervision or imprisonment, think about your future interactions with probation officers and prison staff. If you eventually pursue clemency, consider what you would want the U.S. Pardon Attorney to understand about your life. What could you begin doing today that would give those people a fuller understanding of your character, preparation, and contributions?

Begin with the future you want to build. Then consider what seeds you can plant today that may bear fruit later. Education, relationships, and a record of useful work take time to develop. Each deliberate step can help you prepare for an opportunity long before you know when it might arise.

Throughout my 9,500 days in prison, this way of thinking guided my adjustment. The lessons that follow connect the circumstances I encountered with the decisions I made, the work I undertook, and the changes I made as I learned.

Earning academic credentials, contributing to society, and building a coalition of support became priorities in my plan. Your plan may follow a different direction. Let your circumstances, responsibilities, and definition of success guide the work you choose to undertake.

Approaching these lessons

- Consider how your circumstances influence the options available to you.
- Examine the assumptions behind your decisions and the consequences of choosing one course over another.
- Develop priorities that fit your life, then decide how you will assess your progress.

1. Personal Invitation

If your attorney steered you to this workbook, I see that as an encouraging sign. It suggests that your attorney has confidence in your capacity to learn, grow, and contribute while facing the challenges of a criminal case.

I hope you will consider this self-directed workbook an invitation to begin preparing for the life ahead of you.

- You may have only recently learned about a criminal charge.
- You may have entered a guilty plea or been convicted at trial and begun thinking about sentencing.
- You may already know your sentence and wonder how to prepare yourself and your family for what comes next.

Wherever you are in the process, the decisions you make today can influence the opportunities that may open for you later. Our website offers an abundance of free information that will give you a better grasp of what lies ahead. That insight may make more effective use of your time and energy today, as you prepare to navigate the challenges ahead.

When people prepare early, they give themselves a better chance of shaping their futures. My own experience taught me the value of beginning that work early.

My name is Michael Santos. Authorities arrested me when I was 23, and a federal judge sentenced me to 45 years. Thanks to credits for good behavior, the Bureau of Prisons released me after I served 26 years. While inside, I earned university degrees, wrote books, developed relationships with people outside prison, and prepared for a life of contribution.

Those efforts became the foundation for Prison Professors, the nonprofit organization I founded to help others work toward better outcomes. We provide our educational services at no charge to the people we serve. This workbook, our online courses, our educational webinars, and our tools for documenting progress are free. Your family and your attorney can use them, too.

There isn't any need to buy a package, or pay consultants. By participating in our community and using our free resources, you'll empower yourself to make better decisions. No one can change the past, but at any time, a person can start working toward a better future.

We think you should become a prison professor–mastering the curriculum that will lead to better outcomes for you.

A criminal case will affect liberty, family stability, professional relationships, and the ability to earn a living. An allegation may lead to a conviction, and consequences will persist long after a sentence ends. Understanding more of what's to come will open your eyes to possibilities on how you can begin preparing today.

Your defense attorney will develop the legal strategy for your particular circumstances. You can support that work by learning about the process. Organize information in the way that your attorney needs, and take constructive action to help your attorney present you in the best possible light.

Learn how to present yourself better, with an understanding of how your decisions today will influence your experiences in the years ahead.

Your preparation also extends to your family. A criminal charge influences everyone in the household, and your social circle, too. It will influence your livelihood and earnings going forward. Prepare so that you can recalibrate and rebuild.

This workbook will encourage you to develop a comprehensive mitigation strategy: an ongoing effort to understand the consequences of a criminal charge, and to prepare for the stages ahead. You'll develop skills to build a record you can leverage to your benefit when it comes time to self-advocate for better outcomes when you're in the system, and when you may be without an attorney.

Your preparation will help you build strategies in response to many questions. For example, consider:

- All the people who depend on you, and steps you can take to show them that you're working toward better outcomes.
- If you spend time in custody, how will you make the most of every week?
- What will you need when you return to your community?
- What can you begin doing now to strengthen your position when you ask others to join your coalition of support?

Thinking about these questions early can inspire you to begin working today. With a good plan, you'll put yourself in a position to seize opportunities when those opportunities present themselves.

Our courses, stories, and exercises can help you come up with strategies you may not have considered. As you learn, connect the lessons to the goals in your life. Consider the opportunity costs that accompany every decision you make. Then decide where to direct your effort. Look further ahead and take ownership of your preparation.

At PrisonProfessors.org, we provide free resources to help you learn and prepare. You decide how to develop those resources, and how to use them in ways to get better outcomes and results.

2. Think through the Process

Think through the whole process

A comprehensive mitigation strategy connects the stage you face today with the life you want to build. The questions below can help you examine each part of that journey, recognize decisions that may lie ahead, and identify work you can begin now.

- What should I expect from the judicial process, and what do I need to understand to help my attorney represent me best?
- If I'm convicted, how should I prepare for the consequences that will follow?
- How can I prepare for the presentence investigation and help counsel review the presentence report, or PSR, for accuracy?
- If prison becomes part of my sentence, how can I prepare myself and the people who depend on me?
- What administrative relief may be available if I go to prison, and how can I begin preparing now?
- How can I use my time today to prepare for the challenges I may face after prison?

- How can I recalibrate my plans, rebuild my earning capacity, and resume a life of contribution?

Preparation can serve you at each stage of the process. As your circumstances develop, opportunities may arise to advocate for different forms of relief. Starting early gives you more time to build a credible record and develop strategies for pursuing the highest level of liberty, at the soonest time. Consider the goals you may pursue and the requests you may eventually make:

- What should I know about programs that may result in administrative time cuts from the sentence my judge imposes?
- What seeds can I begin to sow now that may influence where I serve my time?
- In what ways can I influence possibilities for community confinement or a non-incarcerative sentence?
- What can I do today to become a better candidate for a higher level of liberty while on supervised release?
- How do I build a better campaign for early termination of supervised release?
- What can I do today to strengthen a clemency application that I intend to make later?
- How can I begin rebuilding my career prospects or preparing for the job market after release?
- What can I do to minimize the damage to my online reputation, given the situation I'm in?

The free lessons and courses available on PrisonProfessors.org will give you ideas to consider as you develop your answers to the questions above. Every day, you're making decisions that can influence the results that come your way. Your responses and the work you do going forward can create opportunities and improve your prospects for success, as you define it. You can begin these exercises now, continue them throughout any sentence, and adapt your plans as your circumstances develop.

No one can change the past, but we all can work toward a brighter future.

3. Build Your Case for Liberty

In this workbook I'll share adjustment strategies I learned from others. They empowered me through difficult times, and I'm confident that you can use those same strategies to prepare for greater success tomorrow.

During my sentence, I organized my preparation around three priorities:

- Educating myself,
- Contributing to society in meaningful and measurable ways, and

- Building a support network.

I learned that approach from people who had faced hardship and overcome difficult problems. Their examples taught me to visualize the outcome I wanted, develop a plan, and put that plan into action. At Prison Professors, we call that approach the CEO mindset, and we'll cover that idea in future chapters.

Keeping a record of daily activities connected that long-term strategy to the work I completed along the way. It helped me explain how I used my time and what I hoped to do after release. The degrees, books, and relationships developed over years of effort. Together, they gave people something concrete to examine when considering whether to offer their support.

We encourage you to build a free profile on Prison Professors for the same practical reason. Your profile gives you a place to introduce yourself, explain your goals, and document the incremental steps you take to recalibrate. Basically, your profile includes four components, which you'll develop over time:

- A biography introduces your background, values, and goals.
- Journals describe your decisions, experiences, and progress.
- Book reports explain what you learn and how you apply those lessons.
- A release plan connects your preparation to the responsibilities you expect to face.

Together, these sections help you tell the story of your response to adversity and the person you are working to become. You'll get more insight into the profiles component of our program in the appendix of this book, or by visiting our website.

The self-directed questions in this workbook can help you begin developing your profile. Consider writing your responses as journal entries. Explain an idea in your own words, connect it to your circumstances, and describe the steps you choose to take. Return later to write about what followed, what you learned, and how your thinking developed.

Over time, readers can follow your choices and form their own impressions of your preparation. The record you built will become a time-stamped accounting of how you've worked to redeem yourself and prepare for success.

Your attorney can review that record and decide whether and how to use relevant material. Later, you may draw upon it when advocating for yourself with case managers, wardens, probation officers, or others who make decisions that affect your life.

You may also use your profile when approaching a prospective employer or seeking support for your plans.

A profile gives those readers more to consider than what prosecutors or probation officers wrote about you. Your efforts might inspire others who read about how you responded to a difficult predicament, how you accepted responsibilities, set goals, and recalibrated after a personal adversity.

Each entry in your profile contributes to that larger account. You decide what to write, what to emphasize, and how to explain your choices. Consider how those decisions may influence the opportunities you hope to pursue.

In my profile, I wrote about the crimes I committed as a young man and what I learned from the experience. I wrote about the steps I took to earn university degrees and to become an author. Those strategies helped me to build a coalition of support, and through that support, I succeeded in writing the next chapter of my life. The incremental actions gave substance to what I wrote.

My history isn't nearly as important as the predicament that is going on in your life right now. We encourage you to write the next chapter. Write about what you're learning, and how you're organizing responsibilities while your case moves forward. The more you prepare, the more opportunities will open.

If you have access to PrisonProfessors.org, participate in our interactive webinars. They explain how to use the website and find free resources that connect with your needs. I respond to questions on how to use the website and get the most value from our resources. Our courses, educational materials, and question-and-answer tools help you continue learning between sessions.

We wrote this edition of our Playbook for people entering the system so they can begin preparing earlier. If you have internet access, you can use the website alongside this workbook. If you are in pretrial detention, the pages that follow can help you begin developing your comprehensive mitigation strategy with the resources available to you.

Our purpose is to help you understand the journey ahead, and provide free resources you may use to prepare campaigns that may lead to a better outcome.

Best wishes to you.

Respectfully,

Michael Santos

4. My Journey to Prison

On August 11, 1987, federal authorities arrested me for my role in trafficking cocaine. I was 23 years old. I regret that I wasted ambition and energy in a criminal enterprise, especially one that had lasting consequences for many people.

At that time, I didn't know how to confront the problems I'd created. The only thing I wanted was to get out of jail and put the problem behind me. DEA agents brought me to a federal detention center, where officers processed me and locked me in solitary confinement.

I had hired a lawyer who told me what I wanted to hear rather than what I needed to hear. Although I knew I had committed the crimes described in my indictment, I pleaded not guilty. Rather than considering a plea, I went to trial. Making matters worse, I perjured myself on the witness stand, saying I didn't do it.

A jury convicted me, and a federal judge sentenced me to 45-years. At 23, I couldn't even comprehend what such a long sentence would mean.

During my first year in solitary confinement, I didn't know anything about the system. Rules in the jail allowed me to have a Bible in the cell, but nothing else. Before my arrest, I hadn't been religious. While alone in that cell, on the other hand, reading the Bible helped. The different stories and parables began to change how I thought about my circumstances and the decisions that had brought me there.

One of the influential stories for me was The Parable of the Talents. It encouraged me to consider the opportunities I had squandered. Other stories gave me hope that I could begin taking steps to turn my life around. My faith helped me see responsibility as a continuing obligation to use what remained available to me.

By the time a jury convicted me, I'd been in the cell for almost a year. I got to know the officers, and one of them, Officer Wilson, took an interest. Even though the rules didn't allow it, Officer Wilson brought books that introduced me to people who had faced hardship. I enjoyed reading about the ways that helped them move forward. Through reading about Socrates, Frederick Douglass, Viktor Frankl, Nelson Mandela, and others, I began to reconsider how I would approach the years ahead.

Those books prompted me to examine the decisions that had led to my confinement. They also encouraged me to think about how I could build meaning, relevance, and dignity into my life. As I learned how other people responded to adversity, I began directing more attention toward plans for my future.

5. Three Part Plan

While living in that cell, I lost a great deal. The ill-gotten gains I'd earned had vanished, and I lost the woman in my life. I didn't know how to process the reality that a federal judge had sentenced me to serve multiple decades in prison.

By thinking about the changed circumstances in my life, I went through a wide range of emotions. I heard about the concept of "good-time credits," but I didn't know what they meant, nor did I know what I'd have to do to get the credits. For that reason, I didn't have a good understanding of how much time I'd spend away from society.

We never know when or where we're going to get information that will change the way that we think. Reading the Bible and other books while in solitary helped me think about steps I could take to make amends. They gave me a reason to look ahead. Even if I had to spend thousands of days in prison, I began to believe that with a good plan, I could get a better outcome. Building anything good starts with an idea, and then a plan.

To develop that plan, I first had to consider what the best possible outcome would look like.

- How did I want to live when I reached the other side of my sentence?
- What would I need to do while confined to prepare for that life?
- What immediate steps could I begin to take?

I began by thinking about the people who would have influence over my life in the future. While still in solitary confinement, I considered the people who would make decisions affecting my life throughout the sentence. That led me to contemplate future interactions with wardens and other prison staff. I considered the probation officers who would supervise me after release. I also thought about executive clemency and how the U.S. Pardon Attorney might view a request for a commutation.

- What would I want those people to know?
- What could I begin doing to influence their assessment of me?
- What would those people think of me?

Further, I expected to face difficulty finding work once I got out. If an employer knew about my criminal record and the years I served, getting a job would be difficult. I needed to build a new story—one that would give people reasons to see me as something other than my criminal record. Thinking about their perspectives helped me organize a three-part plan:

01 Educate myself. I believed an education would improve my skills and give others a reason to consider what I could contribute.

02 Contribute to society in meaningful, measurable ways. I wanted to use my time to produce work that could help other people.

03 Build a strong coalition of support. If people came to know my work and believed in my preparation, their support could help others see possibilities for my future.

Before I transferred from solitary confinement to a federal prison, I had a three-pronged strategy I would use as a compass. It would help me find direction, connecting daily decisions with the future that I wanted to build. In my book Earning Freedom: Conquering a 45-Year Prison Term, I offer details on how my plan helped me climb through the challenges of confinement.

Over the years, I earned an undergraduate degree and a master's degree. I became a published author. I corresponded with people who helped me understand the world beyond prison and challenged me to improve the quality of my work. I kept records of the steps I took, building an account that I could return to and share as opportunities developed.

Experience taught me how to expect obstacles, but always to advance my plan. Like anyone else in prison, I had to live with many disruptions that were beyond my control. Yet sustained work brought progress, and that progress helped me rebuild confidence. The three-part plan helped me immensely.

I completed my prison sentence in August 2013. Preparation through all those years helped me recalibrate and rebuild.

Developing your own plan

> I chose education, contribution, and support because those priorities fit the life I wanted to build. Your circumstances may lead you to different priorities. Develop a plan that reflects your responsibilities, the future you want, and the work you are prepared to undertake.

6. Working Toward Reform

When I finished my sentence, I had to work toward financial stability. I launched businesses and began investing. My real passion, however, was working toward reforms. From experience, I knew that our nation incarcerated too many people, and those people served sentences that were far too long. To make meaning of the time I served, I wanted to work toward reforms.

The preparation that had helped me through confinement became the basis for educational work I could offer to others. I began writing courses, filming videos, distributing books I wrote. I began speaking in universities and in other events to promote the idea of reforms.

Andy Matevousian, then the warden at the federal prison in Atwater, invited me to contribute to his prison. His invitation opened the opportunity to develop educational programming that encouraged people to prepare systematically for success after release. Andy's support helped us bring our programs to more institutions across the Federal Bureau of Prisons.

Expanding that work also served a broader purpose. The main reform I wanted to work toward would be to open pathways for people to earn freedom through merit. In my view, we would improve the outcomes of incarceration if we incentivized the pursuit of excellence. Our country measured justice by requiring people to languish in prison while calendar pages turned. A better approach, in my view, would be to measure justice by how hard a person worked to prepare for success upon release.

I formed Prison Professors to provide self-directed educational programs for people inside. Then, I did my best to collect data, showing that people who worked through our programs were more inclined to succeed upon release. I used the information I collected to build stronger arguments. Those efforts could support advocacy for more incentives.

The First Step Act became law in December 2018 with bipartisan support. It marked a major development in federal prison and sentencing reform. Among its provisions, the law created opportunities for eligible people to earn time credits through successful participation in approved programs and productive activities.

Putting those provisions into practice took time. In January 2022, the Justice Department announced the rule implementing the law's time-credit program. Throughout the continuing work of implementation, we sought to bring our courses to more institutions and strengthen support for policies that recognize preparation.

Our advocacy continues. We want policymakers and administrators to see how incentives can encourage people to prepare for successful lives after release. When people understand how their choices may create opportunities for greater liberty, they have additional reasons to invest in education, develop skills, contribute to their communities, and document their progress.

As I write this workbook, several thousand people in the federal system are working through our lessons. We encourage people already in prison, as well as those entering the system, to begin developing a comprehensive mitigation strategy.

You can begin from wherever you are today. Learn about the stages ahead, consider the outcomes you want to pursue, and decide what work could strengthen your position. The chapters that follow will help you develop your own approach to pursuing the highest level of liberty, at the soonest possible time.

Applying the Lesson: Prepare for a Future Opportunity

Choose an opportunity you would like to pursue at a later stage of your journey. You might want someone to offer you a job, support an educational goal, or consider a request for greater liberty.

Imagine that the opportunity has arrived. Someone will review your request and decide how to respond. What would you want that person to know about how you prepared?

Write a journal entry exploring these questions:

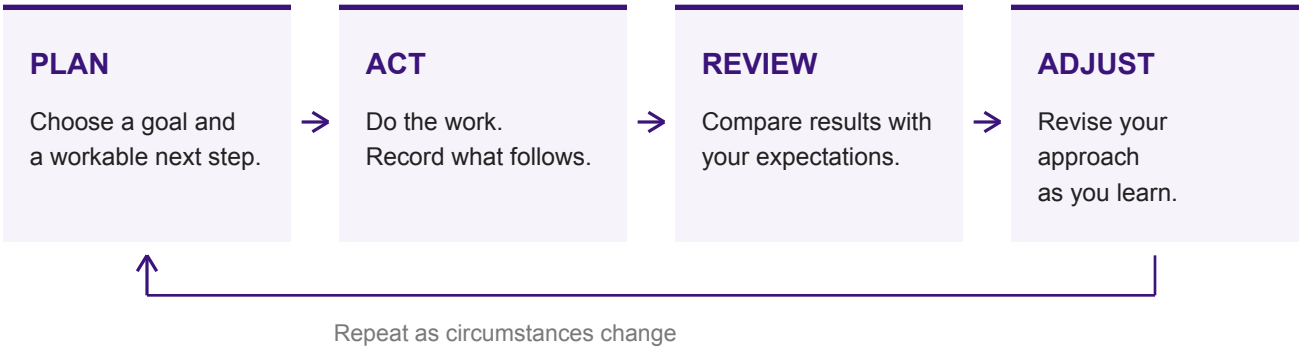
- What outcome do I want? Describe the opportunity and how it connects to the life you want to build.
- Whose perspective should I consider? Identify someone who could influence that outcome. What questions might that person have about you?
- What story do I want my preparation to tell? Consider how your priorities and the work you choose could help you develop that story.
- What choices does that preparation require? Identify something you could begin this week. What would you need to spend less time doing to make room for it?
- What record do I want to build? Describe what you would like to add to your profile over time so that, when the opportunity arrives, you have something to share.

Planning Practice: Become the CEO of Your Life

A chief executive has to define a result, organize resources, make decisions, and respond when a plan needs to change. You can apply that discipline to your own preparation. The circumstances may limit what you control, but you can still choose work that develops your knowledge, skills, and relationships.

Begin with one goal and work through the six steps below. Return to the steps as you learn. You do not need a complete answer to every question before taking the first useful action.

PUT YOUR PLAN INTO PRACTICE



A planning cycle you can adapt. Your goals, priorities, and measures should reflect your own life.

1. Define success

Describe the future you want in concrete terms. Consider work, family, health, financial responsibilities, and opportunities for greater liberty. Choose a goal you can explain in your own words.

2. Build a plan

Work backward from that goal. Identify what would need to happen first and which step you can begin with the resources available.

3. Identify tools, tactics, and resources

Consider the books, courses, skills, people, and practical methods that could help. Identify what you have and what you still need to develop.

4. Set accountability measures

Choose milestones and dates for reviewing progress. Decide what you will record so you can see how your decisions connect with the result you want.

5. Adjust as you learn

Compare your plans with experience. If access, circumstances, or your understanding changes, revise the sequence and choose a workable next step.

6. Execute

Set aside time and do the work. Review what follows, make the next decision, and repeat the process.

Consider how these practices relate to your own goals. Choose an approach to planning and review that fits your circumstances, and revise it as you learn.

PART 2

Understand Your Federal Case

Learning the process can help you recognize decisions, organize questions, and participate in conversations about your case. Consider what you understand, what remains uncertain, and where you need more information.

7. Learn: Target Letter

Government investigations begin as soon as authorities suspect that people have violated the law. They start talking with potential witnesses, categorizing them into one of three types: witnesses, subjects, and targets.

A witness would be someone who may have information relevant to the investigation. A subject is someone whose conduct falls within the scope of the investigation. A target is someone the prosecutor considers to be a likely defendant in a criminal charge.

Investigators may initially consider a person a witness or subject and later identify that person as a target. Target status reflects the prosecutor's assessment of the evidence. It does not establish guilt or guarantee that charges will follow. Federal prosecutors may notify the person through a target letter.

A target letter notifies someone that federal prosecutors believe substantial evidence links that person to a crime and consider the person a potential defendant. Prosecutors may continue investigating, seek an indictment from a grand jury, or use another appropriate charging instrument.

Knowing how to respond—and what mistakes to avoid—can dramatically influence your outcome.

What a Target Letter Means

A target letter may identify the suspected offenses, provide a prosecutor's contact information, and invite a response or testimony. Read the particular letter carefully and identify any deadlines. The letter itself does not charge or convict you.

Immediate Steps to Take

Stay calm and read carefully. Receiving a target letter can create pressure to act before you understand your options. Identify what the letter requests, preserve it, and arrange a timely discussion with a federal defense attorney.

Do not ignore the letter or contact agents directly. Speaking with investigators without counsel is one of the most common mistakes target-letter recipients make. Investigators are trained to elicit statements that support their case, and prosecutors will use any statement a target makes to strengthen their prosecution.

Look for an attorney with experience in federal criminal defense. Counsel can explain the allegations, assess the available evidence, and advise you about responding, cooperation, and negotiations. If you cannot afford representation, ask the Federal Defender's Office or the court how to request counsel. Eligibility and appointment depend on the proceeding and your financial circumstances.

Preserve all Records

A sample target letter from the DOJ warns that destroying or altering documents required for grand-jury proceedings is itself a federal crime. Begin identifying and preserving emails, texts and physical records that might be relevant. Once you have an attorney, talk about the best way to preserve and categorize records that will make it easier for the attorney to understand the case.

Choosing the Right Attorney

Look for relevant federal experience, knowledge of the district, and a clear explanation of the work the lawyer would undertake. Ask about investigations, trials, plea negotiations, communication, and fees. An attorney's location alone does not determine suitability. Where appointed representation is available and you qualify financially, the court may appoint a federal defender or a private attorney under the Criminal Justice Act.

Things You Should Never Do

Don't destroy or alter evidence. The DOJ's sample letter makes clear that altering documents required before the grand jury is a serious violation of federal law. Deleting emails or scrubbing hard drives can add obstruction charges.

Don't talk about the investigation with friends. Limit discussions to your attorney. Even casual conversations can be subpoenaed and misconstrued.

Don't assume you can "talk your way out." Investigators already have evidence and will use statements you make to strengthen their case. All communication should go through your lawyer.

Prepare Early for Sentencing and Mitigation

A target letter creates uncertainty about the future. You can begin learning about the process and considering your responsibilities while counsel addresses the investigation. Preparation should fit your circumstances and the stage of the case. PrisonProfessors.org offers free resources on subjects such as:

Personal reflection and planning: Consider your background, responsibilities, and future priorities. Keep case-sensitive writing private unless you and counsel decide it should be shared. A person facing allegations should not feel required to admit disputed conduct to participate in these lessons.

Community service and treatment programs: Enrolling in counseling, substance-abuse treatment or volunteer work shows proactive rehabilitation.

Gathering character reference letters: Family, employers and community leaders can write letters attesting to your character and positive contributions.

Our site offers free courses, articles and checklists to help you prepare for every stage of the criminal process. Take advantage of these resources early so you're ready if charges are filed.

Key Takeaways

- A target letter means federal prosecutors believe they have substantial evidence linking you to a crime.
- Stay calm, don't ignore the letter, and don't speak to investigators without an attorney.
- Seek a qualified federal defense lawyer; if resources are limited, ask about eligibility for appointed representation.
- Preserve all documents, and accept that destroying or altering evidence can be a separate crime.

If you have a question about your situation that these lessons don't answer, email our team at team@prisonprofessors.org. We may be able to direct you to free resources you can use. Or participate in our interactive webinars.

8. Learn: Your Rights

Facing allegations or charges can feel overwhelming, particularly when the system is unfamiliar. A person may believe that explaining the situation immediately will resolve a misunderstanding. Before deciding how to respond, understand the rights involved and the consequences of making a statement.

An accusation does not establish guilt. Learning about constitutional protections can help you participate more effectively in decisions with your attorney.

The Miranda warning comes from Miranda v. Arizona, 384 U.S. 436 (1966). It addresses custodial interrogation: questioning by law enforcement when a person is in custody. The warnings protect the Fifth Amendment privilege against compelled self-incrimination. They are not required before every conversation with an officer.

When referring to suspects, the Court wrote:

"He must be warned prior to any questioning that he has the right to remain silent, that anything he says can be used against him in a court of law, that he has the right to the presence of an attorney, and that if he cannot afford an attorney one will be appointed for him prior to any questioning if he so desires."

To put the rights into plain English, the officer might say:

- You have the right to remain silent.
- Anything you say can and will be used against you in a court of law.
- You have the right to talk to a lawyer and to have the lawyer present with you while you are being questioned.
- If you cannot afford to hire a lawyer, one will be appointed to represent you before any questioning if you wish.
- You can decide at any time to exercise these rights and not answer any questions or make any statements.

The officer may then ask: "Do you understand these rights as they have been read to you?"

People will say yes.

Then the officer may say, "This is the best time you have to help yourself, so why don't you tell us what happened?"

Unfortunately, many people will then proceed to try and talk their way out of a problem.

Don't do it.

Instead, invest your time to learn directly from reliable sources such as:

- The U.S. Constitution
- The Code of Federal Regulations
- Free resources available at PrisonProfessors.org

The Fifth Amendment: Right Against Self-Incrimination

The Fifth Amendment protects against compelled, incriminating testimonial communications. It does not prevent the government from obtaining every form of evidence. Keep these principles in mind:

- You can clearly state that you wish to remain silent and want an attorney before answering questions about suspected criminal conduct. The circumstances affect how constitutional protections apply; do not assume that silence alone resolves every legal issue.
- You should expect that people in the system will use anything and everything you say against you.
- If you choose to speak, you must tell the truth—lying can result in new charges.

Key takeaway: Invoking your Fifth Amendment right is not an admission of guilt—it is a constitutional right.

The Risk of Not Knowing Your Rights

The right against compelled self-incrimination and the rules governing searches address different questions. Invoking the Fifth Amendment does not automatically prevent a lawful vehicle search or erase physical evidence. Search authority may depend on a warrant, consent, or an applicable exception. If officers seek a statement, a search, or documents, counsel can help you understand the particular request and the available response.

Search Warrants and Subpoenas

- **Search Warrant:**
- Issued by a judge when law enforcement demonstrates probable cause. It allows the government to search your home, office, vehicle, or other property.
- **Subpoena:**
- A legal order that compels a person to testify before a grand jury or produce documents.

- **Subpoena ad testificandum:** Requires personal testimony.
- **Subpoena duces tecum:** Requires production of documents, such as financial records or emails.

Responding to subpoenas and warrants requires careful legal strategy. A defense attorney should help you decide when to cooperate and when to resist.

Why You Need a Defense Attorney

While educating yourself is essential, a competent defense attorney is your strongest protection.

Attorneys understand how prosecutors build cases and can advise whether cooperation, silence, or negotiation is in your best interest.

Remember: the justice system often rewards convictions, not necessarily fairness. Protecting your rights means being strategic at every stage.

Key Takeaways

- Educate yourself—don't rely on predatory consultants.
- Fifth Amendment rights allow you to remain silent and avoid self-incrimination.
- Search warrants and subpoenas are powerful legal tools—understand the difference.
- Always consult with a defense attorney before speaking to law enforcement or responding to legal demands.
- Consider participating in our free, interactive webinars, or learning from the resources we provide.

9. Early Mitigation Efforts

I learned the hard way that a legal defense is only part of the story. The other part—the part no one explained to me—was mitigation. That's the record you build of who you are, what you've learned, and how you intend to live differently going forward.

I didn't fully grasp this until after I was sentenced. Over 26 years in federal prison, I interviewed thousands of people. I wrote their stories. I saw how some earned leniency and opportunities, while others lost them. Since my release, I've spoken with judges about what influences their decisions. You may help yourself by learning more about how to work toward the best possible outcome.

Let me offer ten lessons I've drawn from personal experience, and what I've learned from others.

- Start Early

One man I met inside used to say, “Hope isn’t a strategy.” He was serving a long sentence and admitted he had wasted his first year waiting to see what would happen. By the time he realized he should have been preparing a record, the chance to influence his judge had already passed.

Judges see hundreds of defendants a year. They can tell who has been working steadily to change and who starts scrambling a month before sentencing. If I could go back, I would have started documenting my journey from the moment of my arrest, when authorities locked me in solitary confinement. That was the time I should have begun to reflect, to begin untangling the mess I had gotten myself into. It would have been a first step.

- Write Your Own Story

In prison, I interviewed men who had been portrayed in court as monsters, or complete scam artists. Many of them had families, careers, and contributions that never came up in their cases.

The government had reduced them to a single narrative: their crime. Don’t let that surprise you. The prosecutor’s job is to convict, and you should expect the entire prosecutorial team to work toward a victory as they define it–a conviction.

Your personal narrative is your chance to correct that imbalance. Judges have told me they want to understand the human being in front of them, not just the defendant in the indictment.

The judge will only get to know you if you take the time to explain your background, the mistakes you made, and what you’re doing to change. Learn steps you can begin taking today to help your judge see the totality of your life. You should expect prosecutors to write a narrative that you will not like. It’s your job, not your lawyer’s job, to write a more accurate story that reflects the reasons that you’re a great candidate for mercy.

3. Be Honest About Struggles

I remember a man who was with me in prison. He admitted that he had battled alcoholism for years. He hadn’t disclosed it in his presentence report because he thought it would make him look bad. By staying silent, he disqualified himself from the Residential Drug Abuse Program—one of the few opportunities to get administrative relief, which means an earlier release date.

Hiding struggles doesn’t protect you. It shuts doors to opportunities for you to change the outcome of your life. As happened to many people I met in prison, a bad strategy could also disqualify you from getting the benefit of administrative programs that could lead to an earlier release date.

If substance abuse or mental health is part of your story, acknowledge it and show what you’re doing to address it. Judges respect honesty. Learn everything you can about the system so that you can put yourself in the best position for a better outcome.

4. Demonstrate Service

While serving my sentence, I met people who led tutoring programs, faith groups, and charitable projects, even from within prison walls. Those efforts became valuable assets in their self-advocacy later. Learn everything you can about memorializing your journey, because courts and opportunities in the communities will consider your adjustment.

Community service doesn't have to be some magnificent gesture. It just has to be real and verifiable. I've spoken with many judges who told me they look for evidence that a person is thinking beyond themselves. Service shows accountability in action.

5. Keep Learning

Some of the most inspiring men I met in prison were those who treated every day as a chance to learn—earning degrees, mastering trades, or even teaching others. Education should show that a person is preparing for a law-abiding, productive life after prison.

That lesson carried me through my own time inside. I read constantly, wrote daily, and built skills I would need upon release. Judges don't just want to see who you were; they want to see who you're becoming. It is the reason I encourage every person in our community to use our "Profile" system to memorialize every step they're taking to prepare for success upon release.

6. Collect Character Letters That Matter

Weak character reference letters all look the same: a pleading for mercy. The strong ones are more intentional. They describe who the person is, what values they've shown, and why the writer continues to stand by them.

Judges have told me they do not put much value on letters from people who try to tell them what to do. They look for letters that reveal insight into a person's true character, not instructions on how to sentence. Gathering those letters takes time and guidance, but they can shift how a judge sees you.

7. Financial Responsibility

Restitution is frequently part of a criminal sanction. Judges routinely see defendants promise to pay after sentencing but never follow through, and they grow cynical when they hear promises without proof. Don't go to court and offer happy talk about what you're going to do.

Consider how you can begin addressing financial obligations within your means. Where restitution may apply, discuss the appropriate process with counsel and keep records of authorized payments. A realistic record of action can support your account of the steps you have taken, without guaranteeing how a judge will evaluate them.

8. Keep a Record

Inside, I kept meticulous journals. I tracked the books I read, the projects I completed, the lessons I learned. Those records would become part of the record I intended to build, proof that I wasn't just talking about growth. As time passed, the record made my story about a commitment to reconciliation self-evident.

When I meet with people going through the system now, I encourage them to document everything. A spreadsheet, a journal, a profile on Prison Professors—it doesn't matter the format. What matters is that it shows a consistent pattern of effort.

9. Use Available Resources

I founded our nonprofit to provide educational resources through PrisonProfessors.org. Every lesson on the website is free. I share them because I remember what it felt like to sit in a cell wishing I had a guide.

Today, I spend my time advocating for system-wide reform and speaking directly with policymakers and judges. But the most important thing I can do is equip people like you with resources I wish I'd had.

10. Stay Authentic

I've seen defendants who tried to fake remorse at the last minute. Judges saw right through it. These are experienced professionals. They are not easily fooled.

The people who made an impression were those who worked consistently over time. Rather than a performance, they documented all the steps in their mitigation strategy, showing real change. Judges told me that authenticity separates people who are worthy of leniency from those going through the motions.

Final Thoughts

Mitigation is not about spin. It's about taking control of what you can. Writing your story. Documenting your progress. Showing, through consistent action, that you are more than the government's version of you.

10. Protecting Assets

When I began serving my sentence decades ago, I was unprepared for how deeply a criminal case could ripple through every part of life. The process strained families, disrupted businesses, and consumed every ounce of emotional and financial stability.

Over 26 years inside, I had thousands of conversations with people who lived those same consequences.

- I listened to fathers who lost businesses they built over decades.
- I spoke with mothers whose children struggled because no plan was in place.
- And I saw too many people who thought, “I’ll just let my lawyer handle it.”

By the time they realized they needed a broader strategy, it was too late.

What I learned—and what I want to share with you—is that you can’t outsource every part of this journey. You’ll need a good defense attorney.

Use the free resources we offer on PrisonProfessors.org, including our AI tools, to educate yourself. It’s never too early, and it’s never too late to begin preparing for a better outcome.

Protecting Assets Transparently

One of the first problems people face in a criminal investigation is frozen bank accounts or government attempts to seize assets. If you aren’t prepared, you may wake up one morning unable to pay debts, care for your family, or even hire counsel.

I’ve heard many stories of people who were unprepared for these complications. Consider these steps:

- Work with your attorney to protect assets lawfully.
- Document legitimate ownership and account histories.
- Avoid transfers that could be interpreted as suspicious.
- Memorialize debts and repayment plans.

Proper preparation makes you less vulnerable if investigators come knocking.

Safeguarding Your Business

Many of the men I interviewed inside had owned businesses before their indictments. Without a plan, their companies collapsed almost overnight.

If you run a business, identify someone you trust to oversee operations. Build a succession plan. Establish clear decision-making authority in case you're unavailable. The goal is to prevent panic. With the right structure, your employees and partners can carry on while you focus on the legal fight ahead.

Communicating with Loved Ones

It hurts to watch family members collapse under the strain of a criminal case. Spouses can feel left in the dark. Children suffer from uncertainty. Parents feel ashamed.

I encourage you to develop a communication strategy. There isn't any single recipe that is applicable to all. Everybody is different, but experience compels me to suggest that it's best to speak honestly with your family—without disclosing details that could harm your defense.

Explain the steps you're taking to prepare. Give them reassurance that you've built a plan, especially for children, who need stability in routine.

Financial Planning for the Household

Legal battles are expensive. So is maintaining a household when income disappears. I've seen families spiral into deeper crises because they had no financial plan. While you have liberty, take action:

- Ensure your spouse or loved one has access to funds.
- Review insurance policies, wills, and estate documents.
- Set aside resources for litigation and household expenses.

Planning now means your family won't face added hardship if you can't manage finances later.

Building Emotional Support

Going through a criminal prosecution is brutal on mental health. It robs you of sleep. It creates constant stress. Left unchecked, it can destroy relationships.

I watched people unravel inside prison because they never built support systems on the outside. Others—those who had counselors, faith communities, or peer support—navigated the storm far better.

Build outlets for stress. Find trusted people who can help you hold perspective. That preparation will empower you and keep you on track.

Documenting the Journey

In prison, I became meticulous about documentation. I tracked my progress daily, recording the books I read, the lessons I learned, and the milestones or goals I achieved. Over time, those records became powerful evidence I could use to support requests when it came time to self-advocate.

The same applies before sentencing. Keep records of:

- Steps you've taken to protect family and business.
- Educational or service efforts you're pursuing.
- Financial and personal planning.

Final Thoughts

I lived through 26 years in federal prison. I've seen what happens when people prepare, and I've seen what happens when they don't. The difference often comes down to whether they acted early to protect what mattered most: their families, their businesses, their stability.

This journey won't be easy. But it doesn't have to destroy everything in its path. With planning, documentation, and honest effort, you can build a foundation that carries you through the storm and positions you for opportunities on the other side.

11. Charging Instruments, Indictment, Grand Juries

No one wants to face a criminal charge. Yet the decisions we make can bring consequences we carry for years. In my case, those decisions led to a federal prosecution and 26 years in prison. I could not change the past, but I should have begun learning earlier so I could have made better decisions.

Anyone facing the criminal justice system may work toward better outcomes if they start by taking the time to develop a basic understanding of how the process works.

That understanding can help a person participate more effectively in conversations with counsel. Before making decisions that could influence the rest of your life, you should understand what the government alleges, how the case may proceed, and what options you have. Those conversations can help you develop a comprehensive mitigation strategy.

In the federal system, three principal documents serve as charging instruments:

- A criminal complaint.

- A criminal information.
- A criminal indictment.

These documents identify the crimes the government alleges a person committed. A charging instrument may contain one count or several counts. Each count presents a separate accusation, which may involve a different criminal statute or another alleged violation of the same statute. For example, separate transactions in an alleged fraud scheme may support separate counts. A charge is an accusation of wrongdoing, or a criminal act.

The government does not have to prove guilt beyond a reasonable doubt to bring charges. That standard applies to a conviction at trial. Probable cause requires a reasonable basis to believe that a crime occurred and that the accused person committed it.

The charging instrument prosecutors use depends on the alleged offense, the circumstances of the investigation, and the defendant's rights.

Criminal Complaint

A criminal complaint states the essential facts of an alleged offense under oath. It often comes with an affidavit from a federal agent describing the evidence and the person's alleged involvement. A judge reviews the complaint and supporting material to determine whether probable cause supports an arrest warrant or summons.

Prosecutors may begin with a complaint when they need to act quickly, before presenting the case to a grand jury. For example, authorities may believe they need to make an immediate arrest to prevent someone from fleeing or continuing alleged criminal activity. A complaint provides a way to seek that arrest without first obtaining an indictment.

In a federal felony case, a complaint ordinarily serves as an initial step. To proceed to trial, prosecutors generally must obtain an indictment or proceed by information after the defendant properly waives indictment. Receiving a complaint therefore does not mean that the government has completed the charging process.

Criminal Information

A criminal information contains formal charges filed by a prosecutor without grand-jury approval. A federal misdemeanor may proceed by information without a waiver of indictment. For a noncapital felony, proceeding by information requires the defendant to waive indictment in open court after being advised of the charge and that right.

An information often appears when the prosecution and defense have negotiated a plea agreement. If the defendant agrees to waive indictment, the parties can move toward a plea without presenting those charges to a grand jury. This approach can help resolve a case more efficiently, including when an agreement calls for a different charge from the one originally filed.

The word “information” does not mean the charge is minor or that the sentence will be light.

Criminal Indictment

A criminal indictment contains charges approved by a grand jury, a group of 16 to 23 citizens who review evidence presented by federal prosecutors. The grand jury decides whether probable cause supports the proposed charges. At least 12 members must agree to return an indictment. The grand jury does not decide whether the defendant is guilty.

Federal felonies generally require an indictment unless the defendant can and does waive that right. Offenses punishable by death must be prosecuted by indictment. Prosecutors may seek an indictment directly or after beginning with a complaint; a complaint does not have to come first.

These documents do not form a three-step sequence that every case follows. A case might begin with a complaint and later proceed under an indictment. Another might begin with an indictment, while a negotiated case might proceed by information. Knowing which document you received can help you understand your current stage and prepare questions for your attorney.

Connect Understanding to a Mitigation Strategy

I encourage people to learn about these procedures because each decision can affect the options available later. A comprehensive mitigation strategy requires understanding the allegations, evaluating the evidence with counsel, and considering how decisions today may influence a plea negotiation, sentencing, and life after the case.

For some people, that strategy may include discussing an early resolution with counsel and agreeing to proceed by information. Waiving indictment can eliminate the need for a grand jury to approve those charges. An early plea agreement may also save the government time and resources. Department of Justice policy recognizes the timing of a plea and the resources saved through an early resolution as factors prosecutors may consider. Those considerations may help counsel negotiate more favorable terms in an appropriate case, but the waiver itself does not guarantee a concession or a lighter sentence.

If you face charges, begin with the document itself.

- Which charging instrument did you receive?
- What conduct does each count allege?
- What decisions come next, and what do you need to understand before making them?

The more you understand about the journey ahead, the more effectively you can engineer your comprehensive mitigation strategy.

12. Understanding Plea Agreements

When authorities charged me with federal crimes in 1987, I did not understand the decisions ahead. I knew I had broken the law, yet I went to trial without adequately considering how a different approach might influence my future. I received a 45-year sentence and served 26 years in federal prison.

I cannot know what would have happened if I had made different decisions. I do know that I should have invested more time in learning before making them.

For someone facing criminal charges, that learning should include understanding plea agreements. Before deciding whether to accept one, a person should understand the proposed terms, the alternatives, and the consequences that may follow.

What Is a Plea Agreement?

A plea agreement is an agreement between the government and the defendant. Defense counsel ordinarily negotiates its terms with the prosecutor. In exchange for a guilty plea and any other commitments, the government may agree to dismiss certain charges, refrain from bringing additional charges, or take a particular position at sentencing.

The agreement should identify what each side promises. Those promises vary from case to case. An agreement another person received may offer little guidance about what prosecutors will offer you.

A guilty plea and a plea agreement also describe different things. A person can plead guilty without negotiating an agreement with the government. Lawyers may call that an “open plea” or a “straight plea.” In that situation, the person proceeds without negotiated promises from the prosecutor.

Why Do People Negotiate?

A trial requires preparation and brings uncertainty for both sides. Prosecutors may negotiate to resolve a case promptly, conserve resources, or spare witnesses from testifying. A defendant may seek fewer charges, reduced sentencing exposure, or greater certainty.

Whether an agreement serves a person’s interests depends on the evidence, possible defenses, potential penalties, and the actual terms offered. Counsel can help evaluate those issues. The person facing charges should participate by asking questions and working to understand the answers.

For example:

- What would prosecutors have to prove at trial?

- What evidence supports the allegations?
- What defenses does counsel see?
- What benefit does the proposed agreement provide?

Those questions help move the conversation from a general fear of punishment toward an assessment of available choices.

Read the Entire Agreement

A person may naturally focus on how much prison time they could receive. Yet a plea agreement can address much more. I encourage you to focus on the result that you want, and then work with counsel to architect the best possible path toward that result.

Remember that the prosecutor's agreement to recommend a sentence does not necessarily require the judge to impose it. Some agreements bind the court once accepted; others leave sentencing decisions open.

An agreement may also limit appeals or later challenges. Ask counsel to explain the rights you would surrender, any exceptions you would retain, and the obligations you would undertake. Discuss financial consequences and any concerns about immigration, employment, or professional licensing.

Before deciding, try explaining the agreement in your own words. Identify anything you cannot explain and return to it with counsel. You should understand what you are accepting.

Connect the Decision to Your Mitigation Strategy

A plea agreement can become one part of a comprehensive mitigation strategy. Preparation also includes considering what you can do now to address your circumstances and build a better future.

Depending on your situation, that mitigation strategy may include treatment for substance abuse or alcoholism, education, employment, efforts to address harm, or building a release plan that shows your commitment to living as a law-abiding citizen. Keep records of your progress and discuss them with counsel. Ask which materials may help explain your circumstances and preparation, and which information should remain private.

I wish I had understood earlier how much I needed to learn. You can begin developing that understanding before making decisions that may shape the years ahead.

Questions to Discuss With Counsel

- What offenses and facts would I admit?
- What does the government promise in return?
- What decisions would remain with the judge?
- Which rights would I surrender?
- What obligations and consequences could follow?
- What alternatives should I consider?
- What can I begin doing now to prepare?

Write down the answers in language you understand. Use any remaining questions to guide your next conversation with counsel.

13. Types of Plea Agreements

In the previous chapter, I discussed how understanding a plea agreement can help a person make informed decisions with counsel. The next step involves understanding the different types of plea agreements, and what they mean.

Two people may both say they have a "plea deal," yet face different sentencing possibilities. One agreement may require the prosecutor to recommend a sentence. Another may establish a sentence that binds the judge once the court accepts the agreement.

Before making a decision, you should know which provisions apply in your agreement.

Agreements About Charges

Under Rule 11(c)(1)(A) of the Federal Rules of Criminal Procedure, the government may agree not to bring certain charges or to seek dismissal of existing charges.

For example, a hypothetical agreement might require a person to plead guilty to one count while the government agrees to seek dismissal of three others. That agreement addresses which charges the government will pursue. By itself, it does not establish the sentence.

Dismissed charges also do not necessarily disappear from the sentencing analysis. Conduct underlying those charges may still affect the guideline calculation if it qualifies as relevant conduct.

Ask counsel to explain what the proposed dismissals would change in your case so you have a more complete understanding of the agreement.

Agreements About Recommendations

Under Rule 11(c)(1)(B), the government may promise to recommend a particular sentence or sentencing range, or agree not to oppose a defense request. These provisions can also address how sentencing guidelines or factors should apply.

The judge does not have to follow the recommendation. If the prosecutor makes the promised recommendation, the government has fulfilled that promise even if the judge imposes a different sentence. The judge's decision not to follow it does not, by itself, allow the defendant to withdraw the guilty plea.

Before accepting this arrangement, ask counsel what he thinks about sentencing possibilities and what arguments the agreement allows you to make.

Agreements That Bind the Court

Under Rule 11(c)(1)(C), sometimes called a "C plea" or "C1C agreement," the parties may agree to a specific sentence, sentencing range, or specified sentencing provision.

The agreed provision binds the court once the court accepts the agreement. The judge may accept it, reject it, or defer a decision until reviewing the presentence report. If the court rejects the agreement, the defendant must receive an opportunity to withdraw the plea.

This arrangement can provide greater certainty about the agreed terms. Still, read the entire document with counsel. Understand which issues it settles and which remain for the judge.

Compare Two Hypothetical Agreements

Assume that both agreements involve the same offense and that the proposed sentences are legally available.

In the first, the prosecutor promises to recommend 36 months under a type B agreement. The judge may impose a different sentence.

In the second, the parties agree to a 36-month prison term under a type C agreement. If the judge accepts that agreement, the agreed prison term binds the court.

Both documents mention 36 months. The language surrounding that number determines whether it describes a recommendation or a binding term.

An agreement can also combine provisions, such as dismissal of charges and a sentencing recommendation. Ask counsel to identify each commitment separately.

Pleading Guilty Without an Agreement

A person may plead guilty without a negotiated agreement, often called an “open plea” or a “straight plea.” This option carries no negotiated promises from the prosecutor.

The judge determines the sentence under the applicable law, considering the advisory Federal Sentencing Guidelines and the factors in 18 U.S.C. § 3553(a), subject to statutory limits. A guilty plea still gives up trial rights and can limit later challenges, even without a written agreement.

Discuss why counsel considers an open plea appropriate, what alternatives exist, and what consequences could follow.

Apply What You Learn

Understanding these arrangements can help you participate in decisions that shape your comprehensive mitigation strategy. Begin by identifying what the government offers and what it expects in return.

Then consider the preparation ahead.

- What should counsel know about your circumstances?
- What steps can you take to address harm, fulfill responsibilities, and prepare for the future?
- How will you document that work?

Before accepting an agreement, ask:

- Which Rule 11 provisions apply?
- What does the government promise?
- Which terms would bind the judge?
- What happens if the judge rejects the agreement or recommendation?
- What sentencing arguments can we still make?

You do not need to become a lawyer to prepare for these conversations. You do need enough understanding to evaluate counsel’s advice and make deliberate decisions about your future.

14. Going to Trial

When federal authorities charged me in 1987, I knew I was guilty. Still, I went to trial without adequately understanding my options or considering how my decisions could affect the years ahead.

The result of that decision translated into a conviction, a 45-year sentence, and serving 26 years in federal prison.

I don't know what sentence I would have received if I had pursued a different course. I do know that I should have begun learning earlier and asked more questions before deciding.

Your circumstances may differ from mine. The decision about trial requires examining your case with counsel, understanding the alternatives, and considering the consequences of each.

Understand What the Government Must Prove

A criminal charge does not establish guilt. At trial, the government must prove guilt beyond a reasonable doubt. As my judge said to the jury, they can have a little doubt and still convict.

A person may contest the charges for a number of reasons:

- They didn't commit the offense.
- The person doesn't think the evidence establishes guilt.
- A legal defense applies that may support a not-guilty verdict.

The defense attorney will evaluate those issues and explain the strengths and weaknesses of the case.

- Ask what the government must prove for each count.
- Which evidence supports its allegations?
- Which evidence can the defense challenge?

Every case is different. In my view, however, a person is far better off by understanding the opportunity costs that come with every decision.

Consider the Financial Costs

For someone paying for private counsel, trial preparation can involve substantial expenses. Attorneys may need to review records, interview witnesses, prepare motions, and spend days or weeks in court. Investigators, expert witnesses, travel, and other expenses may add to the cost.

Ask counsel for an estimate, an explanation of what the fee covers, and the circumstances that could increase it. Understand whether sentencing or an appeal would require additional fees.

In federal court, I would expect the costs to exceed $100,000 for a trial, and many people spend well over $1 million to proceed through trial.

Even if a person has a federal defender, and doesn't have to pay the financial costs of a trial, there are many factors to consider. There are many practical burdens that each person should think about before making the decision on whether to go to trial.

Compare the Sentencing Possibilities

A conviction after trial may result in a longer sentence than a negotiated resolution would have produced. A plea offer might include dismissal of charges or sentencing concessions that would not apply after trial.

Acceptance of responsibility can also affect the calculation under the federal Sentencing Guidelines. A qualifying defendant may receive a reduction, and timely notice of an intended guilty plea can support an additional reduction.

Ask counsel to compare the actual plea offer, if one exists, with the sentencing possibilities following conviction at trial. The comparison should address the charges, mandatory minimums, statutory maximums, and anticipated guideline calculations.

Understand which figures represent estimates and which limits the law or an accepted agreement would establish. No one can promise an acquittal.

Prepare for Stress and Uncertainty

Waiting for trial can affect sleep, concentration, relationships, and the ability to plan. During trial, a person may hear witnesses describe painful events or challenge their account. Family members will feel the stress, and there may be lasting damage to your reputation.

Consider whether you're prepared to deal with those complications. Take those factors into consideration when making a decision on whether to go to trial. Individual factors are unique to every individual, and in some cases, they are more important than the evidence and legal issues.

Prepare Before Making the Decision

Counsel can evaluate the law, explain the evidence, and recommend a course. The decision whether to plead guilty or proceed to trial belongs to you. Take time to understand the advice and resolve questions before committing.

Begin with these questions:

- What must the government prove for each count?
- Do I have a viable defense?
- What should I expect to pay for a trial?

- How would a conviction at trial influence a sentence?
- How will a trial influence my family or career?

The comprehensive mitigation strategy you build should consider your response to those questions. I did not consider such questions when I made the decision to go to trial, and I paid a heavy price.

15. What Happens in Trial?

When I went to trial in 1987, I had not invested enough time in understanding the process. I should have learned more about what the government needed to prove, how the proceedings would unfold, and which decisions I would need to make with counsel.

In the previous chapter, I tried to offer some insight into the costs and consequences of going to trial. This article explains the basic sequence of a federal criminal jury trial so you can prepare for conversations with your attorney.

Before the Trial Begins

Trial preparation starts well before anyone enters the courtroom. Counsel reviews evidence, investigates possible defenses, prepares witnesses, and asks the judge to resolve legal issues. Those requests, called motions, may address whether particular evidence can be used at trial.

Discuss the charges and anticipated evidence with counsel. Identify records or information that may help your defense, and ask how to provide them. Learn the expected schedule and how you will communicate during the proceedings.

Selecting the Jury

A federal criminal jury ordinarily consists of 12 people. Courts may also select alternates. During a process called voir dire, prospective jurors answer questions intended to identify bias or other reasons they may be unable to serve fairly.

The judge oversees selection, and attorneys participate according to the court's procedures. Both sides can challenge prospective jurors, subject to legal limits.

This trial jury serves a different function from the grand jury that may have approved the indictment. The trial jury decides whether the government has proved guilt beyond a reasonable doubt.

Opening Statements

The prosecutor generally begins by describing what the government expects the evidence to show. Defense counsel may also make an opening statement, although the defense does not have to do so.

Opening statements help jurors follow the case. They are not evidence, and an attorney's description of what a witness will say does not substitute for the witness's testimony.

The Government Presents Its Case

The government presents witnesses and exhibits, which may include documents, recordings, photographs, or other evidence. The prosecutor questions each witness, and defense counsel has an opportunity to cross-examine.

Cross-examination can test a witness's memory, credibility, or account of events. Counsel may also use it to bring out information that supports the defense.

Attorneys may object to questions or evidence. The judge decides those objections and directs what the jury may consider. The jury evaluates the admitted evidence under the judge's legal instructions.

Ask counsel how to communicate observations or questions during testimony. Agreeing on a method beforehand can help you contribute without disrupting the proceedings.

The Defense's Options

After the government finishes presenting its initial case, the defense may present witnesses and evidence. It may also rely on weaknesses in the government's proof without presenting a separate case. The defendant does not have an obligation to prove innocence.

Whether to testify requires discussion with counsel. You have the right to testify and the right to remain silent. The final decision belongs to you. If you testify, the prosecutor may cross-examine you. If you remain silent, the jury cannot treat that choice as evidence of guilt.

Prepare for that decision before reaching the moment when you must make it.

Closing Arguments and Jury Instructions

After the evidence, the attorneys explain why it supports their requested verdicts. These closing arguments are not evidence.

The judge instructs the jury on the law, including the elements of each offense and the government's burden of proof. Jurors then deliberate privately, applying those instructions to the evidence.

The Verdict and What Follows

To get a conviction, every person on the jury must agree that the prosecution proved its case, and that you're guilty. It may find a defendant guilty on some counts and not guilty on others.

If jurors cannot agree on a count, the judge may declare a mistrial on that count. The government may then seek another trial, in which case the person would have to go through the entire process again, and pay again. A jury's inability to agree does not equal an acquittal.

A not-guilty verdict means acquittal on that charge. A guilty verdict ordinarily leads to a separate sentencing hearing, with a presentence investigation and further preparation with counsel.

Prepare for Each Stage

Understanding the sequence can help you recognize what is happening and participate more effectively in your defense. Before trial, ask counsel:

- What evidence do we expect the government to present?
- What decisions will I need to make?
- How should I communicate with you as you prepare for trial?
- How should I prepare for each possible outcome?

Your comprehensive mitigation strategy should account for the possibilities ahead.

PART 3

Prepare for Sentencing

Preparation for sentencing includes understanding the reports and decisions ahead and developing an account of your life and response to your circumstances. Connect each document with the work it describes and the audience it serves.

16. Presentence Investigation Report

A guilty plea or conviction brings another stage of preparation: the presentence investigation. Before imposing a sentence, the judge ordinarily receives a report that describes the offense, the person's background, and the applicable sentencing considerations.

People often call this document the PSR or PSIR. Its influence can extend beyond the sentencing hearing. Prison officials and probation officers may rely on it when making decisions throughout the years ahead.

For that reason, understanding the report belongs in your comprehensive mitigation strategy. Begin preparing before the interview, and work closely with counsel when reviewing what the probation officer writes.

We offer a full course on how to prepare for the PSR on our website. Like everything else at Prison Professors, it's free.

Who Prepares the Report?

A United States probation officer conducts the investigation and prepares the report for the court. The officer gathers information from several sources, including court records, the prosecution, the defendant, family members, employers, and other people who can verify relevant information.

The officer works for the court. Your attorney represents your interests. Understanding those different roles can help you prepare for the interview and communicate appropriately.

The report provides information and analysis to assist the judge. The judge determines the sentence.

What Does the Report Include?

The report examines both the offense and the person facing sentencing. It typically covers:

- The offense conduct and its effect on victims.
- Prior criminal history.
- Family background, education, and employment.
- Physical health, mental health, and substance-use history.
- Assets, debts, income, and other financial information.
- The advisory Sentencing Guidelines calculation and applicable penalties.

These subjects can influence how officials understand your circumstances. A medical condition, educational need, or family responsibility may require records or verification. A brief answer during an interview may not provide enough information to explain it fully.

Ask counsel which documents to gather and how to organize them. Depending on your circumstances, those records might include treatment summaries, school records, employment verification, or financial statements.

Prepare for the Interview

If your lawyer is willing, you should meet before the presentence interview to get a full understanding. Discuss the questions you may face, the information you should provide, and any unresolved issues concerning the offense or an appeal.

The probation officer will allow your attorney to attend the interview, but the attorney doesn't have to be there, and he may not attend the interview.

Do not approach the interview as though it were a private conversation with your lawyer. You should expect the probation officer to be a skilled interviewer, and he will be intentional. Every statement you make may appear in the report and affect later decisions.

Before the interview, develop a plan on how to address sensitive subjects and disputed allegations.

Provide truthful information, or don't provide any at all. If you do not remember a date or detail, say so and identify a way to verify it. Do not invent or exaggerate information to create a more favorable impression. The probation officer may consider any type of inaccurate information as an obstruction of justice, which can lead to another charge or an enhanced sentence.

Prepare early so that you will have time to consider how to document your story in ways that may assist you in getting the best possible outcome at sentencing.

Review the Report Carefully

When the report becomes available, read it with counsel. Review the entire document, including the offense description, criminal history, financial information, health history, and guideline calculation.

Identify specific errors and omissions. Explain what you believe needs correction and provide supporting records when available. Counsel can distinguish factual corrections from legal objections and submit them appropriately. Expect the prosecutor to do the same thing.

The probation officer may or may not revise the report. Unresolved objections go to the judge, who must rule on disputed matters or explain why a ruling is unnecessary for sentencing. The court's determinations must accompany copies of the report provided to the Bureau of Prisons.

Understand Its Use After Sentencing

The Bureau of Prisons relies on the report when considering custody classification, placement, and programming–which can influence an adjustment pattern in prison, and potentially, it can influence a release date. Probation officers may later use it to assess the level of liberty you have on Supervised Release. And the PSR would become a factor if you later ask for early termination of Supervised Release, or executive clemency through a commutation request or pardon request.

That continuing use gives you a good reason to learn as much as possible about the PSR, which is why we encourage you to go through our comprehensive course. The finished PSR will have a significant influence on your sentence, but also on your journey after sentencing.

Take an Active Role

Before the investigation, ask counsel:

- What records should I gather?
- Will you attend the interview?
- How should we address disputed or sensitive information?
- When will we review the report together?
- What deadlines apply to objections?

The work you do in advance should contribute to your comprehensive mitigation strategy.

17. Federal Sentencing Guidelines

When a person learns that he's going into the criminal justice system, one question often comes first: How much time could I receive?

Answering that question requires more than knowing the name of the offense. The federal Sentencing Guidelines provide a framework for calculating an advisory sentencing range. Understanding that calculation can help you evaluate a plea offer, review the presentence report, and work with counsel on a comprehensive mitigation strategy.

A range gives you information to consider. It does not, by itself, tell you what sentence the judge will impose.

What Are the Guidelines?

The United States Sentencing Commission develops the Guidelines. Judges must correctly calculate and consider the applicable range, but the Guidelines are advisory.

The judge also considers the factors Congress established in federal sentencing law, including the offense, the person's history and characteristics, deterrence, protection of the public, and the need for punishment.

That process leaves room for the judge's discretion, subject to many factors, including binding plea agreement the court accepts.

How Is the Range Calculated?

The Sentencing Table uses two main components: the total offense level and the criminal history category.

The offense level reflects the offense and applicable adjustments. The calculation begins with the guideline for the offense and its base offense level. Other provisions may increase or decrease that number.

Depending on the case, relevant factors may include financial loss, drug quantity, the person's role, or obstruction of justice. Acceptance of responsibility may support a reduction when the requirements are met.

Criminal history is calculated separately, generally using points assigned to qualifying prior sentences. Rules address which sentences count and how many points they receive. The resulting category ranges from I through VI, with special provisions affecting some cases.

Ask counsel to explain both calculations. A dispute about one adjustment or prior sentence may change the resulting range.

Read the Sentencing Table

Once the total offense level and criminal history category are determined, their intersection on the Sentencing Table provides a range in months.

For a hypothetical person with a total offense level of 20 and Criminal History Category I, the table shows 33 to 41 months.

That example does not predict a sentence for everyone convicted of the same offense. Different facts, adjustments, criminal histories, or statutory limits can produce different results. Ultimately, the judge will make a decision on how to use the guidelines to determine a sentence.

Separate the Guidelines From Statutory Penalties

Congress establishes statutory penalties, including maximum sentences and, for some offenses, mandatory minimums. Those limits operate separately from the advisory table and may change the applicable guideline range.

For example, if a five-year mandatory minimum applies, a lower table range does not authorize the judge to disregard it. A sentence below that minimum requires an applicable legal exception.

Ask your attorney to help you understand three things:

- the statutory penalties,
- the calculated guideline range, and
- the sentence counsel believes the court may impose.

Review the Presentence Report

The probation officer includes a proposed guideline calculation in the presentence report. The prosecution and defense may agree with it or raise objections. The judge resolves the issues necessary to determine the applicable range.

Read the calculation with counsel. Ask which facts support each increase and whether available reductions have been considered.

The calculation may include qualifying relevant conduct beyond the count of conviction. Dismissing a charge does not necessarily prevent the underlying conduct from affecting sentencing.

Provide your attorney with records or information that may clarify disputed facts.

Build Your Mitigation Strategy

A correct calculation provides a starting point. Counsel may also argue for a sentence outside the range based on the statutory sentencing factors. Such a sentence is commonly called a variance.

Your preparation can help counsel explain your individual circumstances. Consider what records show about your background, responsibilities, treatment needs, employment, and efforts to address the conduct that brought you before the court.

Discuss how those facts support a specific sentencing request. The work should help the judge understand your circumstances and future plans without promising a particular outcome.

Begin with these questions:

- What determines my total offense level?
- How was my criminal history calculated?
- Which facts or adjustments remain disputed?
- Does a mandatory minimum apply?
- What supports the sentence we will request?

Learning the Guidelines gives you a better foundation for these conversations. Use that understanding to prepare deliberately and contribute to the comprehensive mitigation strategy you build. No one can change the past, but you can start sowing seeds for a better future.

18. RDAP and FSA

When preparing for federal sentencing, many people focus on the number of months the judge may impose. A comprehensive mitigation strategy should also consider what happens after sentencing and what opportunities may exist to prepare for an earlier transition into the community.

Two subjects deserve attention: the Residential Drug Abuse Program, known as RDAP, and the earned-time-credit provisions of the First Step Act.

They operate under different rules. Understanding both can help you ask better questions, prepare relevant records, and make informed decisions throughout the journey.

What Is RDAP?

RDAP is the Bureau of Prisons' most intensive substance-use treatment program. Participants live in a treatment unit and work on the thoughts, behaviors, and circumstances associated with their substance use. The program includes treatment in prison and required community treatment, with follow-up services when applicable.

Admission requires a verifiable substance use disorder, agreement to the program's responsibilities, and the ability to complete its required components. BOP treatment professionals evaluate eligibility. The presentence report and relevant supporting records can help document the person's history.

For eligible people convicted of nonviolent offenses, successful completion may result in up to one year of early release under federal law. The reduction is discretionary, and exclusions apply. Eligibility for treatment and eligibility for the early-release benefit are separate questions.

Our website offers a full, comprehensive course to help you understand RDAP.

Prepare an Accurate Record

If substance use or alcohol misuse forms part of your history, discuss it with counsel before the presentence interview. Medical and treatment records may help document that history. Describe it honestly; do not invent or exaggerate symptoms to seek a program benefit.

The PSR can inform the evaluation, but the Drug Abuse Program Coordinator makes the placement decision under BOP criteria. A diagnosis or a statement in the PSR does not, by itself, guarantee admission or early release.

Ask counsel whether a judicial recommendation for treatment would be appropriate. A recommendation does not bind the Bureau of Prisons or establish eligibility.

What Does the First Step Act Provide?

The First Step Act is a federal law with several provisions, and our website includes many lessons to help you understand. For this introduction, the focus is its system of incentives for participating in approved programs and productive activities designed to reduce the risk of returning to crime.

The BOP assesses a person's risks and needs and assigns appropriate programming. Eligible participants generally earn 10 days of time credits for every 30 days of successful participation. Those who meet the minimum- or low-risk requirements over two consecutive assessments can earn an additional five days, for a total of 15.

First Step Act time credits differ from good-conduct time and RDAP's potential sentence reduction. Qualifying FSA credits can support transfer to prerelease custody or an earlier start to supervised release when the application requirements are met. Transfer to supervised release under this provision is limited to 12 months; additional qualifying credits may support prerelease custody.

Home confinement and halfway-house placement remain forms of custody with conditions. They do not mean the same thing as a time cut.

Understand the Eligibility Rules

Not everyone qualifies for First Step Act time credits. Certain convictions make a person ineligible to earn them. Other requirements govern when earned credits can be applied, including risk assessments. A final immigration removal order bars their application.

RDAP has its own eligibility rules. A person may qualify for one benefit, both, or neither. First Step Act time credits also differ from good-conduct time.

Before relying on a projected release date, ask how each benefit applies to your circumstances. The maximum available benefit is not a promise about what you will receive.

Connect Preparation to Your Strategy

Begin learning before sentencing. We offer many lessons and courses on our website with hopes of helping members of our community get a full grasp on the relevance of developing a comprehensive mitigation plan that can advance them as candidates for the highest level of liberty, at the soonest possible time.

Consider these questions:

- Does my PSR support an RDAP evaluation?
- Could I qualify for RDAP's early-release benefit?
- Does my conviction permit First Step Act time credits?
- What requirements govern earning and applying those credits?
- What can I do now to advance myself as a candidate for administrative relief once I get to prison?

I encourage people to build a strategy that extends through every stage. Learning about these opportunities can help you connect daily decisions with treatment, preparation, and the highest level of liberty available under the law.

19. Personal Narrative

When federal authorities charged me in 1987, I did not understand how much I needed to learn. I knew I was guilty, yet I went to trial without adequately considering my options. A conviction, a 45-year sentence, and 26 years in prison followed.

I cannot change those decisions. Through Prison Professors, however, I can help others prepare more deliberately.

That preparation includes learning how to write a personal narrative before sentencing. Your attorney can explain the law and advocate for you. You can contribute by reflecting on your life, examining your decisions, and helping counsel present a fuller account of who you are.

Understand the Purpose

A sentencing narrative gives you an opportunity to communicate with the judge in your own voice. It explains your background, what you have learned, and the actions you have taken to address problems and prepare for the future.

Federal sentencing law requires judges to consider the circumstances of the offense and the defendant's personal history and characteristics, among other factors. A thoughtful narrative can help your attorney present information relevant to that assessment.

The judge remains your primary audience. Think about what that person needs to understand before making a decision that could influence the rest of your life.

No narrative can guarantee a particular sentence. Its value comes from giving the court an accurate, personal account that supports your comprehensive mitigation strategy.

Begin With Reflection

Before trying to write an effective opening paragraph, spend time examining your experiences.

- What shaped your values?
- Which decisions brought you into the criminal justice system?
- Who suffered because of those decisions?
- What do you understand now that you failed to consider earlier?

For someone accepting responsibility, the narrative should explain that responsibility clearly. Describing financial pressure, addiction, ambition, or other influences requires honesty about how those circumstances affected your choices. Personal hardships can provide important context, but the story should also address the harm your conduct caused.

People convicted at trial, particularly those challenging their convictions, need guidance from the defense attorney about how to discuss the case. Every narrative should remain truthful and consistent with the person's legal circumstances.

You do not need an extraordinary life story or polished vocabulary. You need enough reflection to explain your experiences with clarity and sincerity.

Organize Your Story

Our comprehensive Sentencing Narrative course introduces a structure that helps participants work through their stories in manageable sections:

- **Introduction:** Explain who you are and why you are writing.
- **Background:** Describe relevant family experiences, education, work, relationships, and challenges.
- **Influences leading to the offense:** Examine decisions and circumstances, with guidance from counsel.
- **Lessons learned:** Explain changes in your understanding and judgment.
- **Making things right:** Describe steps toward repairing harm and building a responsible future.
- **Conclusion:** Close respectfully, connecting your reflections with your commitments.

This framework gives you a starting point. Your circumstances and counsel's advice should guide the content, emphasis, and length.

Support Your Words With Actions

A statement about change becomes more useful when you explain what you have done.

If you completed a course, describe what you learned and how you applied it. If you entered treatment, explain your participation accurately. If you made restitution payments, identify the payments and supporting records. Separate completed actions from plans you still need to carry out.

Consider what a reader could verify. Dates, records, and specific examples help counsel evaluate and support your account.

You can also acknowledge unfinished work. Someone who has begun addressing a problem can explain the next steps, the support available, and how progress will be measured.

Work Through the Course

I encourage you to participate in our free Sentencing Narrative course before completing your draft. The lessons address purpose, structure, personal background, accountability, and examples involving both guilty pleas and convictions at trial.

Give yourself time to work through the material. Gather records, answer the reflection questions, and draft one section at a time. Read your writing aloud to check whether it sounds like you.

Share the draft with your attorney, and discuss how and when to present it. I recommend that you prepare your statement before the PSR interview, and that you provide it to the Probation Officer, but I encourage you to discuss with your attorney first.

Begin by asking yourself:

- What thoughts have I given to the victims of my crime?
- What should the judge understand about my life?
- What have I learned about my decisions and their consequences?
- Which actions support the changes I describe?
- What work must I continue, regardless of the sentence?

Preparing a personal narrative gives you a concrete way to participate in your defense preparation. Use the free course we offer to begin that work and strengthen your comprehensive mitigation strategy.

20. Character Reference Letters

Preparing for sentencing requires thinking about what the judge needs to understand before making a decision. Your personal narrative gives you an opportunity to explain your life in your own words. Character reference letters contribute another perspective: the experiences of people who know you.

When I entered the federal criminal justice system, I should have invested more time in learning and preparing. Through Prison Professors, I encourage people to begin that work early, including learning how to organize a thoughtful character reference campaign.

A campaign involves identifying supporters, explaining the purpose of their letters, establishing deadlines, and coordinating with counsel. It gives you another way to contribute to your comprehensive mitigation strategy.

Understand What Letters Can Contribute

A useful character letter helps the judge understand something specific about your life, relationships, conduct, or support system. The writer explains how they know you and describes experiences that support their observations.

- A former supervisor might describe how you handled responsibilities at work.
- A relative might explain your caregiving role.
- Someone who has supported your recovery might describe changes they have personally observed.

These accounts give counsel additional information to consider when preparing your sentencing presentation. They do not erase the offense or guarantee a particular sentence.

I encourage people to think carefully about who knows them well. A person with direct knowledge of your life can offer details that someone with an impressive title but little personal connection cannot provide.

Launch Your Campaign Early

Start by discussing the campaign with your attorney. Ask when counsel needs the letters, how writers should address them, and whether any case-specific concerns should guide your outreach.

Then make a list of people who could contribute meaningful information. Consider family members, friends, employers, colleagues, teachers, mentors, neighbors, and people who have worked alongside you in the community.

For each person, identify the part of your life they actually know. This exercise helps you make thoughtful requests and gives each writer a clear starting point.

Reach out personally. Explain that you are preparing for sentencing and ask whether the person feels comfortable writing an honest letter. Discuss with counsel how to explain the case accurately so supporters understand the circumstances.

Give writers enough time to reflect. Set a collection deadline before counsel's final deadline, leaving room for questions and review. Respect anyone who declines.

Guide Supporters Toward Specific Examples

People may want to help but feel uncertain about what to write. You can explain the purpose and provide practical guidance while allowing each writer to choose their own words.

Encourage supporters to address questions such as:

- How do you know me, and for how long?

- What experiences support your observations about my character?
- What changes have you personally observed?
- What support, if any, can you realistically provide going forward?

A letter becomes more informative when the writer explains an experience. For example, someone describing your commitment to education could discuss the study sessions they attended with you and the progress they observed.

Supporters should distinguish what they witnessed from what you told them. They should avoid minimizing harm, blaming victims, or making unsupported claims. Any request for a particular sentence should first be discussed with counsel.

Organize and Review the Letters

Keep a simple tracking sheet with each supporter's name, contact information, request date, expected completion date, and receipt status.

As letters arrive, check for practical omissions, such as an unclear relationship or missing signature. If something needs clarification, ask the writer to review it. Any revision should preserve the writer's meaning and receive their approval.

Provide the letters to your attorney. Counsel should decide which letters to submit and how to present them. Ask supporters to send letters through the agreed process rather than contacting the judge directly.

Use Our Free Course

Our free Character Reference Campaign course explains how to plan outreach, guide supporters, organize letters, and coordinate a sentencing presentation with counsel. It includes sample letters, tracking resources, and guidance for requesting support.

The course also connects your campaign with the work you document through your Prison Professors profile. Journals, book reflections, and a release plan can help you describe your preparation and give supporters a fuller understanding of your goals.

Begin with the lessons, create your supporter list, and establish a realistic schedule. As you continue preparing, give people concrete actions they can observe and describe.

Your responsibility extends beyond asking others to speak for you. Continue doing the work that supports their confidence and strengthens your comprehensive mitigation strategy.

21. Release Plan

Ronald Reagan occupied the White House when I began serving my term. I remembered a remark he had made the previous year about the nine most terrifying words in the English language: “I’m from the government, and I’m here to help.”

Once I understood that I could spend decades in prison, those words took on a personal meaning. The government would control much of my daily life, but I did not want to leave the planning of my future to the government. I needed to think about the life I wanted after release and what I could do to prepare for it.

I began writing a release plan while I was still in solitary confinement. With time to think, I considered the challenges that would await me outside. Each challenge raised another question:

> What could I begin doing, even from inside a cell, to improve my prospects?

Writing helped me move from worrying about the future to identifying steps I could take. I didn’t know how the world would change as the decades passed, but I could prepare in ways that would position me for better outcomes. I could always work to educate myself, to contribute to society, and to build a support network. As I learned more, I revised the plan. It became a strategy that evolved with my circumstances and gave direction to how I used my time.

You can begin that same process wherever you are today. A release plan helps you explain what you want to accomplish, identify the work ahead, and measure your progress. Following it—and adjusting when circumstances change—can help you make more deliberate decisions throughout the criminal justice system.

Start thinking about the life you want to build, and then reverse engineer the steps you should take to advance prospects for success. That strategy will result in the plan. If you adhere to the plan, you’ll be able to leverage it, using it to restore credibility.

Understand the Purpose

Your personal narrative primarily helps the sentencing judge understand you. A release plan serves a continuing purpose. You may use it in conversations with counsel, prison staff, probation officers, family members, mentors, or prospective employers.

Each reader may need different information. A family member may want to understand what support you expect. An employer may want to know which skills you bring. You can prepare an appropriate version for each audience while keeping your commitments consistent.

THREE DOCUMENTS, DIFFERENT PURPOSES

Personal narrative	Release plan	Progress record
Explains your experience and perspective.	**Sets out your preparation for the future.**	**Shows what you have done over time.**
Background, reflection, and relevant actions in your own voice.	Priorities, resources, commitments, and steps you intend to take.	Dated work, learning, milestones, and adjustments to your plan.

Each document serves a different purpose. Choose the content and audience deliberately, and review case-sensitive disclosures with counsel.

> The plan also serves you. Writing exposes unanswered questions that can remain hidden when you think only in general terms.

Examine Your Starting Point

Describe what success would look like in your relationships, work, health, and financial responsibilities. Then consider your strengths, weaknesses, opportunities, and threats. This process, sometimes called a SWOT analysis, helps you evaluate your resources and anticipate obstacles.

You may have work experience but need new credentials. You may have supportive relatives but no confirmed place to live. Identifying those gaps gives you something to investigate and work toward.

Turn Goals Into Practical Steps

Consider these areas as you begin writing:

- **Housing:** Where do you hope to live, and what alternatives could you explore?
- **Employment and education:** Which skills do you need, and what can you begin learning now?
- **Finances:** How will you address expenses, debts, restitution, and family obligations?
- **Health:** What care, treatment, or recovery support will you need?
- **Relationships:** Who can support you, and what help have they agreed to provide?

- **Accountability:** How will you measure progress and respond to setbacks?

For example, someone interested in bookkeeping could identify training, develop computer skills, and research employers' requirements. Each completed step would give that person something concrete to add to the plan. You could develop it further, by using the plan to identify mentors, or to build your coalition of support. Perhaps you could create a strategy that would lead to an employment offer, which would strengthen your plan.

Keep the Plan Current

Date your plan and schedule regular reviews. Record what you completed, and how those milestones positioned you to take the next step. Show that you're intentional, adjusting as circumstances change.

Your plan should show how you organize your efforts and explain your preparation when others evaluate your requests. It will build credibility as you self-advocate for new opportunities.

Learn Through Our Free Course

Our courses include many lessons on building Release Plans and Long-Term Preparation. The courses explain how biographies, journals, and book reports can document your preparation over time. By developing your plan, you will show the commitment you've made to live as a law-abiding, contributing citizen, which builds trust. You want to position yourself to say, "I am who I am today because of the decisions I made yesterday." That step may influence others to look beyond the conviction that led you to prison, and focus on the inspiring ways that you prepared for success after release.

Questions to consider

- Which assumptions in your plan depend on circumstances that may change?
- What decisions can you make now, and what information do you need before making others?
- What would cause you to revise the plan, and how will you recognize that point?

22. Mitigation Strategy

When a judge sentenced me to 45 years in prison, I faced consequences that would extend across decades. My decisions had brought me into that courtroom. I could spend my days wishing I had chosen differently, but regret would not recover the years ahead. I needed to accept my changed circumstances and decide how I would respond.

Think about restoring a building with a damaged foundation. Before beginning repairs, a builder must understand what caused the damage, assess the structure, and determine what the building must support in the future. Each repair needs to fit that larger plan.

When a person goes into the criminal justice system, it's good to reflect on the decisions that led to the current predicament. Start with questions:

- What influences and decisions had led me to prison?
- What could I do to atone, contribute, and prepare for the responsibilities I would eventually face?
- How does the judge presiding over my case view me?
- In what ways will staff members in prison judge me?
- If I don't build a new story, what will the probation officer that oversees me during Supervised Release think of me?
- If I want to apply for a sentence commutation, how will the record I build advance me as a candidate for clemency?

Those questions can help a person think about and develop a comprehensive mitigation strategy. That strategy should serve every part of the journey, strengthening it along the way.

Understand the Whole Challenge

A sentence of one year, ten years, or twenty years creates circumstances a person must learn to navigate. Family relationships change. Pathways to earning a living may change. Skills may become outdated. The people who have authority or influence over your life will know about the conviction, but what will they know about how you responded? In what ways will your response advance you as a candidate for a better opportunity?

Before sentencing, fear can make the potential prison term seem like the entire problem. Once in prison, a person may focus on getting through each day. Both reactions can lead to wasting time. Yet time is your non-renewable resource. Build a plan that shows how you're making the most of the time that you have. If designed effectively, your plan will show your commitment to success, making it self-evident. An effective strategy will advance you as a candidate to get the result you want.

When I speak about a comprehensive mitigation strategy, I mean a plan that considers the person's current circumstances and the life the person wants to build. The strategy addresses past decisions, steps toward atonement and reconciliation, and preparation for future opportunities.

- A person approaching sentencing may begin with reflection. Your reflection should help you write an effective narrative. That is one step in the plan.

- Another step in the plan will be to develop a campaign to get character reference letters, with a goal of showing the judge that you are more than what the prosecutors present.
- Another step will be to articulate your plan, showing that you understand the predicament you're in, but also that you're capable of working your way to climb out from the depths of despair. Your plan should lead to action, which leads to milestones, which leads to new opportunities.
- As a result of the mitigation strategy, you will build support, perhaps even secure a job offer before you conclude your sentence. That plan can lead to more support, and influence the way stakeholders will view you.

If you're going into the criminal justice system, the time is now to think about how you're going to get out. What will be different? If you want people to see you as something different than what your Presentence Investigation Report reveals, then show how you're building.

- What do you want to accomplish?
- What would help another person have confidence in you?
- What could you begin doing today to develop that confidence?

Connect Preparation With Evidence

The documents we discussed in earlier lessons help you explain the work behind your strategy. Your personal narrative describes your experiences, decisions, and lessons. Character reference letters allow others to describe what they have observed. Your release plan connects goals with actions and a schedule for reviewing progress.

We developed the Profiles section of Prison Professors to help people elaborate on that preparation. A biography provides context. Journals describe decisions and progress. Book reports explain what a person learns and how those lessons apply. Describe the life you want to live, identify obstacles, and choose small steps you can take with the resources available.

Review your progress regularly. What did you learn? Which action brought you closer to a goal? What needs to change? Use those answers to develop the next part of your plan.

23. Sentencing Hearings

Before a federal sentencing hearing, you may spend hours thinking about the number of months or years the judge will announce. Understanding the hearing gives you more to prepare for: the questions the court must resolve, the information the judge will consider, and your opportunity to speak.

Much of the preparation happens beforehand. The Presentence Investigation Report, objections, sentencing submissions, personal narrative, and character letters may already be before the court. The hearing brings those materials together with arguments and statements that help the judge determine the sentence.

The sequence varies by judge and case, but a sentencing hearing typically follows a pattern, starting with an effort to come up with the appropriate sentencing guideline level.

Resolve Disputes About the Report

The judge must confirm that you and your attorney have read and discussed the Presentence Investigation Report, including any addendum. The court then addresses unresolved issues that affect sentencing.

For example, a prosecutor may argue that your role in the offense justifies increasing the offense level. The defense may dispute the facts or argue that the proposed increase does not apply. The probation officer may have explained a position in the report or addendum.

The judge hears the attorneys' arguments and may receive evidence or testimony. The probation officer may answer questions or explain the report's conclusions. The judge must resolve relevant disputes or explain why a ruling is unnecessary because the disputed matter will not affect sentencing or will not be considered.

After listening to all sides, the judge will make a ruling to determine the total offense level and criminal history category. Together, those factors identify the advisory guideline range. The judge will also consider statutory requirements, and whether the crime has any mandatory minimums, or requirement for consecutive sentencing for different counts.

You should prepare early, in every way possible.

Sentencing Recommendations

The prosecutor and defense attorney have opportunities to recommend a sentence and explain their positions. A prosecutor may emphasize the offense's seriousness, harm, or the need to discourage similar conduct. The defense may present personal circumstances, and show mitigating factors that may warrant a lower sentence.

The probation officer also provides a sentencing recommendation, although that recommendation may be disclosed only to the judge.

If a victim is present at sentencing, the judge may provide an opportunity for the victim to offer a statement. The victim may describe financial losses, emotional suffering, and other consequences of the crime.

The guideline range provides a starting point. The judge must also consider the broader sentencing factors established by law, including your history, the offense, public protection, and restitution. Within applicable legal limits, the sentence may fall inside or outside the advisory range.

Prepare for Your Opportunity to Speak

Before imposing a sentence, the judge must address you personally and offer an opportunity to speak. This opportunity is called allocution.

Allocution allows you to ask for leniency or mercy in your own voice. I encourage people to prepare well before entering the courtroom. Think about what the judge should understand about your response to the circumstances that brought you there.

Consider these questions:

- What responsibility can I honestly acknowledge?
- What do I understand about the harm caused?
- What have I done to atone, reconcile, or change my decisions?
- What actions support my request for the judge's confidence?

Use your words to explain specific experiences and actions. Someone who has begun treatment, made restitution payments, or contributed to others may have an influence on the judge's decision.

Allocution generally serves a different purpose from arguing about guilt or disputing a guideline calculation. Keep the statement focused, respectful, and consistent with your legal position. Read the draft aloud so you can hear whether the words sound like you.

Prepare for What Follows

The judge will explain his process for arriving at the sentencing decision. He will announce the sanction, sometimes asking you to stand. Depending on the case, the sentence may include imprisonment or probation, supervised release, financial penalties, and restitution.

The written judgment records the court's disposition and sentence. The judge signs the judgment, and the clerk enters the judgment. A separate Statement of Reasons records findings about the report, guideline calculations, and the basis for the sentence.

Sentencing brings the case to a conclusion at the US District Court level. Appeals or other proceedings may follow. A prison sentence also creates circumstances that require continued preparation.

Your comprehensive mitigation strategy should help you respond to those circumstances. Review the responsibilities ahead, adjust your plan, and continue building skills, relationships, and evidence of contribution. The judge's decision establishes the sentence; your decisions afterward will help shape the life you build.

PART 4

Prepare for the Years Ahead

Continue planning beyond the sentencing hearing. Consider the conditions you may face, the skills and relationships you can develop, and the record you want to have when future opportunities arise.

24. Appeals and Post-Conviction Motions

After the judge announces a sentence, the person may think about possibilities to change the sentence, or even vacate or reverse the conviction. That process may begin with an appeal, or post-conviction litigation.

Federal law provides ways to challenge certain convictions and sentences. Each procedure serves a different purpose, with deadlines and requirements. Understanding those differences helps you evaluate what may follow the proceedings in the U.S. District Court.

During my imprisonment, I learned that preparing for the future required work I could continue regardless of decisions others made. A comprehensive mitigation strategy should account for possible legal remedies while identifying steps you can take today to strengthen your prospects for tomorrow. The more you understand, the more effectively you can weigh the opportunity costs that accompany every decision. Consider what a legal challenge could accomplish, the time and resources the challenge may require, and how you will continue preparing for the future while pursuing that remedy.

Understand a Direct Appeal

A direct appeal asks a higher court—the U.S. Court of Appeals for the appropriate circuit—to review the district court's decision. The appeal may challenge a conviction, a sentence, or both.

For a federal criminal defendant, the notice of appeal generally must be filed in the district court within 14 days after entry of the written judgment. Certain motions or circumstances can affect that deadline. Confirm the applicable deadline and who will file the notice; do not assume the sentencing date and judgment-entry date are identical.

An appeal focuses on legal errors. For example, the defense might argue that the judge incorrectly calculated the advisory guideline range or improperly admitted evidence. A guilty plea and any appeal waiver can limit which issues remain available. The agreement's language and the law governing enforceability require careful attention.

Usually, three appellate judges review the record, including relevant filings and transcripts. Both sides submit written arguments called briefs. Sometimes the court schedules oral argument, allowing attorneys to answer the judges' questions. The appellate court ordinarily does not hear new witnesses or receive new evidence.

The court may affirm the decision, leaving the challenged result in place. The court may also reverse or vacate a decision and remand the case, meaning send the case back for further proceedings. A successful sentencing appeal might lead to another sentencing hearing. Success does not necessarily mean dismissal of the charges or immediate release.

Recognize the Limits of Further Review

After an unfavorable appellate decision, a person may request rehearing by the panel or review by a larger group of circuit judges, called rehearing en banc.

Another possible step involves asking the U.S. Supreme Court to review the case through a petition for a writ of certiorari. The Supreme Court chooses which cases to hear; filing a petition does not guarantee review. These requests have their own deadlines and requirements.

Post-Conviction Motions

A separate process allows a person in federal custody to challenge a conviction or sentence through a motion under 28 U.S.C. § 2255. The motion generally goes to the district court that imposed the sentence, usually after direct review concludes.

A Section 2255 motion addresses constitutional violations and other serious legal defects. One example involves a claim that an attorney provided constitutionally ineffective assistance. Disappointment with the outcome alone does not establish such a claim.

This procedure generally cannot substitute for an appeal or provide an unrestricted opportunity to argue the same issues again. Procedural rules may prevent consideration of claims that should have been raised earlier.

A one-year filing period generally runs from the date the conviction becomes final, although the statute provides other starting points in specified circumstances. Finality does not necessarily occur on sentencing day. Second or successive motions face strict limits and generally require authorization from the court of appeals.

Depending on the claim and record, the district court may deny relief without a hearing or hold a hearing to resolve disputed matters. Available relief can include correcting the sentence, resentencing, or granting a new trial.

Distinguish a Challenge From a Reduction Request

Other motions serve different purposes. Under 18 U.S.C. § 3582(c), certain eligible people may seek a sentence reduction, including for qualifying extraordinary and compelling reasons or an applicable retroactive guideline amendment. Each route has specific requirements.

These requests do not necessarily argue that the original conviction or sentence was unlawful. Identify the legal authority, eligibility requirements, and evidence before assuming that a particular motion applies.

Continue Building

Even if you pursue a litigation strategy after sentencing, you should focus on steps you're taking to build a new record. If you get the opportunity to ask the judge to reconsider your sentence, then you want to make sure that the judge sees the way that you've grown. Your progress may influence a better outcome.

- What could you learn this month?
- Which skill could improve your future earning capacity?
- How could you contribute to others and document that contribution?

My preparation included education, writing, and building relationships. Those efforts helped me develop support and opportunities before release. Your circumstances will differ, but you can begin building evidence of preparation while the courts consider a legal challenge. Continue reviewing your goals, recording milestones, and adjusting your plan.

25. Prison Designation

A person going into the criminal justice system should have a basic understanding of how the prison system operates. The Bureau of Prisons is a large agency, with more than 100 different federal prisons that operate in six different regions across the United States.

In an effort to advance our mission of building pathways for people to earn freedom through merit, I've visited more than 80 different federal prisons. When I go to the prisons, I meet with staff members, and make presentations to people who have interest in participating in our self-directed study programs. Those interactions give me a lot of insight, even more insight than I gained while living in prison for 9,500 days. During that journey of confinement, I served time in the following institutions and settings:

- County jails
- City jails
- Federal detention centers
- USP Atlanta
- USP Lewisburg
- FCI McKean
- FCI Fairton
- FCI Ft. Dix
- FPC Florence
- FPC Lompoc
- FPC Taft
- FPC Atwater
- San Francisco Halfway House
- Home Confinement

Cumulatively, the experience gives me insight into the importance of understanding the system, but also, the importance of learning to make decisions that lead to progress toward goals regardless of where administrators assign a person to serve the term.

Learn how administrators make placement decisions, identify facilities that could support your preparation, and build a reasoned request.

Designation Decisions

The Federal Bureau of Prisons ordinarily decides where a person will serve a federal prison sentence. Its Designation and Sentence Computation Center, known as the DSCC, operates in Grand Prairie, Texas. Staff there handle initial designations after reviewing materials from the court, probation office, and other agencies.

Administrators consider security requirements, medical and mental health needs, programs, available beds, separation concerns, residence, and judicial recommendations. The Presentence Investigation Report, the Court's written judgment, and the Statement of Reasons provide information that can influence those decisions.

Federal law directs placement as close as practicable to the person's primary residence and, when practicable, within 500 driving miles, subject to the required considerations. That provision does not guarantee placement at the nearest prison.

Learn the Security Levels

The Bureau operates institutions in five categories:

- **Minimum security:** Federal prison camps generally have dormitory housing, limited or no perimeter fencing, and work and program assignments. Some operate beside larger prisons.
- **Low security:** These institutions generally have double-fenced perimeters, dormitory or cubicle housing, and more staff supervision than camps.
- **Medium security:** These prisons generally use cells, strengthened perimeters, and greater controls over movement and daily activities.
- **High security:** Usually called United States Penitentiaries, these institutions have highly secured perimeters, cell housing, and close control of movement.
- **Administrative:** These facilities serve special purposes, including medical treatment, detention, and transfers. This category includes institutions with very different missions and restrictions.

Placement begins with an objective classification, which considers factors such as offense severity, criminal history, age, escape or violence history, and sentence length. Additional security rules can affect placement even when a numerical score suggests a lower level. A nonviolent conviction alone does not guarantee eligibility for a camp.

Prison Culture

Two prisons with the same security level can offer different experiences. Leadership, staffing, population, program access, and the way people interact help shape each institution's culture. Conditions can also change when administrators or populations change.

Consider how the environment may affect your goals. Someone working toward a credential needs reliable opportunities to study. Someone addressing substance use needs access to appropriate treatment. A parent may place particular value on a location that makes visits possible.

Our website offers an abundance of information on all federal prisons. I encourage members of our community to use those resources. They will provide insight. Those who have specific questions about programs, housing, visiting, and daily routines may find value in our interactive webinars.

Prepare a Request Before Sentencing

A judge may recommend a particular institution, geographic area, or program. The recommendation does not bind the Bureau of Prisons, but administrators consider judicial recommendations. Bureau policy says staff attempt to satisfy recommendations when consistent with policy and sound correctional management.

Begin developing the request before the sentencing hearing. Identify a preferred placement and reasonable alternatives that fit your likely classification and needs. Explain how the requested placement would support treatment, family relationships, education, or preparation for release.

For example, a person might document that an elderly parent cannot travel long distances and that a nearby institution offers relevant programming. Those details give the judge concrete reasons to consider the request. For example, a person convicted of a sex offense may want to serve the term in an institution that offers treatment. A person who suffers with a history of substance abuse may request to serve the term in a prison that is most likely to offer treatment.

Prepare a concise explanation and supporting information for inclusion in the sentencing submission through your attorney. Request that any recommendation appear in the written judgment, or in the Statement of Reasons. Review the PSR for accurate information about residence, health, education, and other designation factors. Raise objections before sentencing and explain how disputed information could affect placement or access to programs. If a dispute remains unresolved, request a ruling from the judge, and ask the judge to state his ruling in the Statement of Reasons. Seek confirmation that the court's findings accompany the PSR sent to the Bureau of Prisons.

Connect Placement to Your Larger Plan

A designation request should explain what you intend to accomplish in the proposed environment. Identify the skills you want to develop, the relationships you need to maintain, and the milestones you will document.

If administrators choose another institution, revise your plan around the resources available. Continue studying, contributing, and building support. Seeking an appropriate designation forms one part of a comprehensive mitigation strategy; the work you complete after arrival gives that strategy substance.

26. Executive Clemency

Being intentional while going through any aspect of the criminal justice process means looking to the future. Consider the lasting consequences of a conviction, the forms of relief that may become available, and the work you can begin today to strengthen a future request.

When I began thinking about the people who would influence my future, I included the U.S. Pardon Attorney. I imagined someone reviewing my record years later.

- What would that person know beyond the crimes that brought me to prison?
- What could I begin doing to give that person reasons to support a request for mercy?
- If I was going to file a clemency petition, how could I strengthen it?

Those questions helped me think beyond the sentence. They encouraged me to educate myself, contribute to others, and build relationships. I needed to build a body of work that would show how I had responded to confinement.

You can begin developing that same approach before knowing whether or when you will seek clemency.

Understand the President's Authority

Executive clemency allows the President to grant relief from federal criminal punishment. Article II, Section 2 of the Constitution establishes this authority.

The President has broad, independent discretion and can act without a recommendation from the Department of Justice. Although the Department's procedures guide its review of petitions, they do not restrict the President's constitutional authority.

Within its constitutional scope for federal offenses, the clemency decision belongs to the President.

For most people entering the federal system, two forms of clemency deserve attention: commutations and pardons.

Commutations and Pardons

A commutation reduces all or part of a sentence. For example, the President might shorten a prison term or commute the remaining imprisonment to time served. The conviction remains. A commutation does not establish innocence.

The terms of the grant determine what changes. A reduction in imprisonment does not automatically eliminate supervised release, restitution, or other parts of the sentence.

A pardon expresses presidential forgiveness. It can relieve legal consequences arising from the offense and may help with employment, licensing, or other opportunities. A pardon does not erase the conviction from the criminal record or declare the person innocent.

Someone serving a prison sentence may seek a commutation to shorten confinement. Someone who has completed a sentence may seek a pardon to address continuing consequences or obtain recognition of forgiveness. These examples describe common purposes. But they do not limit the President's authority.

The President has the ultimate authority on whether, when, or why to grant clemency.

Learn the Department of Justice Process

The Office of the Pardon Attorney receives petitions, reviews information, and assists the President. The Department provides application forms and instructions on its website. You do not have to hire an attorney to apply.

Begin with the current instructions for the relief you seek. Review eligibility requirements, requested records, and submission procedures. For example, the standard commutation application generally requires that no appeal or other court challenge to the conviction or sentence remain pending.

Explain the relief you request and the reasons supporting that request. Provide complete answers, supporting documents, and information about your circumstances.

The Department may investigate the application and request comments from the prosecutor or sentencing judge. A pardon review may include an FBI background investigation. The Department then makes a recommendation, and the President decides.

Keep a copy of your submission. While the petition remains pending, update the office about significant developments, such as employment, additional accomplishments, or changes in your contact information. Filing a petition does not guarantee a favorable decision.

Build the Work Behind the Petition

Think about applying for a position that requires experience. Writing the application is important, but to give the petition weight, you should build a compelling record over time. A clemency petition gives you an opportunity to explain why you're a good candidate, but never underestimate the challenge. To succeed, you must have a strategy that will convince the President of the United States to grant clemency.

The Justice Department's published considerations include conduct, rehabilitation, responsibility, and the circumstances supporting relief. Your comprehensive mitigation strategy can help you develop evidence relevant to those considerations.

For example, someone might begin by improving reading skills, complete a course, and then help others study. Journals could explain what the person learned. Certificates could document completion. A teacher or supervisor could describe the contribution. Over time, those steps create a fuller account than a statement that the person has changed.

Consider what your own record could show:

- How have you addressed the decisions and harm associated with your offense?
- What have you learned and applied?
- How have you contributed to others?
- Who can describe your progress through firsthand experience?
- What plan supports the life you intend to build?

Prison Professors offers free information about preparing for clemency to help you organize material for a petition. Use those resources alongside the Department of Justice's current instructions.

Continue building your biography, journals, book reports, and release plan. That work may strengthen a clemency request while also preparing you for employment, family responsibilities, and other opportunities. Begin with the future you want, identify steps you can take today, and keep adjusting your strategy as you progress.

27. Supervised Release

Release from prison may begin another stage of supervision. Many federal sentences include a term of supervised release, with requirements that can affect work, travel, housing, relationships, and finances. The judgment and applicable law determine the term and conditions in a particular case.

Thinking ahead means preparing for that stage early. If you hope to ask a judge to end supervision early, consider what would give the judge confidence that you can manage your responsibilities without continued oversight.

The long record I built while serving my sentences shows the thought I put into influencing the probation officers who would later evaluate me. I didn't know anything about them, but I knew that I could take steps to influence them. That perspective helped me connect education, contribution, and relationships with the life I wanted to build.

Understand How Supervision Works

Supervised release is a period of court-ordered supervision following imprisonment. A U.S. probation officer supervises the person, monitors compliance, and reports to the court. At sentencing, the judge determines the term and conditions within the law.

Supervised release differs from probation, which generally serves as an alternative to imprisonment. It also differs from placement in a halfway house or home confinement while still serving the prison portion of a sentence.

Read your judgment before release. Know when supervision begins, where you must report, and which conditions apply.

Standard and Special Conditions

Conditions fall into several categories. Mandatory conditions come from federal law and include prohibitions against committing another crime and unlawfully possessing controlled substances.

Standard conditions provide a framework for supervision. Common requirements include:

- Reporting to the probation office, ordinarily within 72 hours of release unless instructed otherwise.
- Reporting afterward as directed and answering the officer's questions truthfully.
- Obtaining permission before leaving the authorized federal judicial district.
- Living at an approved residence and providing required notice of housing or employment changes.
- Working full time or seeking employment unless excused.
- Allowing probation visits and following restrictions concerning weapons and certain associations.

Read the actual wording in your judgment. District practices and individual orders may differ.

Special conditions address a person's circumstances, risks, or treatment needs. Examples include substance-use treatment, mental health care, financial disclosure, restrictions on particular employment, computer monitoring, or limits on contact with specified people. These conditions must satisfy legal requirements, including that restrictions on liberty be no greater than reasonably necessary.

If a condition seems unclear, seek clarification before acting. The court can modify conditions when appropriate. Violations can result in stricter conditions or revocation and additional imprisonment.

Know the Rules for Early Termination

Under 18 U.S.C. § 3583(e)(1), a court may terminate supervised release after one year of supervision has expired. The judge must consider the applicable statutory sentencing factors and determine that termination is warranted by the person's conduct and the interest of justice.

Completing one year does not automatically end supervision. Neither does following every rule guarantee approval. The court evaluates whether continued supervision remains necessary, considering matters such as public safety, treatment needs, conduct, and support.

A request may reach the court through a probation recommendation or a motion filed by the person or counsel. Check the procedures of the court overseeing your supervision. The probation officer and prosecutor may support or oppose the request, but the judge decides.

Explain why ending supervision is appropriate and provide supporting records. Relevant information may include stable housing, employment, completed treatment, responsible financial conduct, community contributions, and a dependable support network.

Continue following every condition unless and until the court changes the order. If early termination is premature, a request to modify a particular condition may still be appropriate.

Begin Building the Record Early

The one-year threshold governs when the court can grant early termination. Preparation should begin before sentencing.

Consider a person who hopes to resume a career requiring travel. Before prison, that person could identify needed qualifications and develop an educational plan. During confinement, the person could complete available coursework, document progress, and maintain professional relationships. Before getting out, the person could begin writing letters to build rapport with the probation office. After release, the person could establish consistent employment, follow travel-approval procedures, and build a record of reliability.

An eventual request could then explain the work completed, the responsibilities assumed, and how ending supervision would support continued progress. Employment records, treatment documentation, and statements from people with firsthand knowledge could support that explanation.

This is why I encourage people to engineer a comprehensive mitigation strategy. We offer considerable information on strategies and tactics through lessons on our website, or through our interactive webinars. Your release plan should anticipate supervision, identify potential obstacles, and establish steps toward greater independence.

Use journals and other records to document milestones and adjustments. When an opportunity arises to request greater liberty, you will have a history of preparation to explain.

Begin building the record today.

28. Self-Directed Learning

If the judge sentences you to prison, you should know what to expect when you arrive. I encourage you to expect many obstacles and frustrations. That's part of the journey. Our website offers a lot of insight on how to get ready. The main focus you should have, in my view, is on your personal development. And that will require a commitment to self-directed learning.

You may have heard that the facility offers a particular class. Yet when you arrive, you may find a long waiting list for classes. You may find disruptions because the facility doesn't have sufficient staff, or resources. Sometimes the facility has a lockdown. Other times, the system may transfer you to another facility.

Expect obstacles. Politics, budgets, staffing, weather, security concerns, and other factors influence how prisons operate. You will have limited control over those circumstances. A comprehensive mitigation strategy should anticipate disruptions and include ways to continue preparing when your original plan becomes impractical.

Your commitment to lifelong learning should not be dependent on what administrators of the system do.

Take Responsibility for Your Education

While in solitary, I learned from leaders such as Frederick Douglass, Viktor Frankl, and Nelson Mandela. I also learned from reading about business leaders. They helped me consider my circumstances. Their experiences prompted questions about how I could respond to the problems I had created and prepare for the years ahead.

Reading became useful because I connected the ideas to decisions. I could consider what another person had learned, examine my own thinking, and identify something to do differently.

Self-directed learning follows that process. You identify what you need to understand, locate resources, study, apply what you learn, and evaluate the result. A classroom and teacher may or may not be available. But you can always learn by reading, writing, practicing skills, and learning from other people.

That responsibility continues after prison. The world will keep changing, and your ability to learn will influence how you respond.

Consider Who Will Evaluate You

A person reviewing your request for an opportunity may begin with considerable skepticism. A judge, probation officer, employer, or potential supporter may know about your conviction before knowing anything about your preparation. Some will have heard many promises from people who failed to follow through.

Broad statements give those readers little to evaluate.

“I took every course available” does not explain why you selected the courses, what you learned, or how your decisions changed. Certificates can document participation or completion, but those don’t always tell the story. Your explanation should connect the learning to the life you intend to build.

Show that you are intentional, then use the record of your preparation to build trust. Specific examples give others reasons to have confidence in you and may improve your prospects for better results.

Consider a hypothetical person preparing to manage household finances after release. That person could study budgeting, create a sample monthly budget, identify expenses that exceed projected income, and revise the plan. A written explanation of those decisions would show the application of a concept.

The person could then identify the next learning need: improving earning capacity, understanding credit, or planning for financial obligations. Each step would give direction to the next.

Use a SWOT Analysis

Your release plan can organize this work through a SWOT analysis: strengths, weaknesses, opportunities, and threats.

- **Strengths:** What knowledge, experience, habits, or relationships can help you?
- **Weaknesses:** Which gaps in your skills or judgment could interfere with your goals?
- **Opportunities:** What books, courses, people, assignments, or other resources could help you improve?
- **Threats:** What circumstances could interrupt your preparation, and how could you respond?

Be specific. “I need to improve my education” gives you less direction than identifying difficulty understanding contracts, writing clearly, or calculating business expenses.

Suppose your goal involves starting a service business. You may already know the trade but lack experience estimating costs or communicating with customers. Your learning plan could include arithmetic practice, reading about business operations, and drafting sample proposals.

If computer access becomes unavailable, some of that preparation could continue on paper. Other tasks may require postponement. Record the limitation, revise the sequence, and pursue the work that remains possible.

Document Learning and Adjustment

A useful record explains what happened between setting a goal and reaching a milestone. Write about the concept you studied, the questions that arose, and how you applied the lesson. Include difficulties and changes in your approach.

For example:

- A book report could explain how an author’s experience changed your understanding of responsibility.
- A journal entry could describe a decision where you applied that understanding.
- Your release plan could identify the next step and a date to review progress.

Those documents allow another person to follow your development over time. They also help you recognize where your plan needs attention.

Build a record that may help persuade others to offer greater responsibility, support, or liberty.

PART 5

Build Your Record

Use writing to explain what you learn, how you apply it, and what you will do next. Your record can help others understand your preparation and can contribute examples to the broader work of Prison Professors.

29. Start your Profile

Imagine applying for a job several years from now. The employer knows about your conviction and asks what you did during the years that followed. You could describe your intentions, but consider how much more you could show with a record of what you studied, the skills you developed, and the people you helped.

Preparing for that conversation begins long before you submit a job application. The same principle applies when you ask someone to become a mentor, support a release plan, or consider you for greater responsibility.

During my imprisonment, I worked to educate myself and wrote for publication. Writing helped me connect with people who could see how I used my time. Those relationships broadened my support network and helped me secure opportunities before release. I could not change the conviction, but I could give people more information to consider.

We developed the free Profiles platform at Prison Professors to help others build that kind of record. As you develop your profile, you create a central place to document how you're preparing for the life ahead. You can use that record to support requests for opportunities at different stages of the criminal justice process.

Understand What a Profile Does

Your profile has four main components: biography entries, journal entries, book reports, and release plans. Additional sections allow you to collect testimonials and publish certificates you earn. Together, those materials help readers follow your preparation over time.

Think about the difference between saying you want to improve your education and showing the steps you took. A profile could describe why you selected a book, what you learned, and how you applied a lesson. Later entries could explain how that learning helped you complete a project or contribute to someone else.

Those details help another person evaluate your progress. They also help you think deliberately. You can explain the goals you want to achieve, describe the steps you take, and examine the results. Over time, readers can see how you follow through on your commitments, giving them reasons to have confidence in you.

A comprehensive mitigation strategy considers the life you want to build, but also shows that you've worked to make that life possible. With time-stamped entries, your profile helps you explain and document that work.

Start Your Profile

If you have internet access, begin at PrisonProfessors.org/profiles. The page offers options for building your own profile, supporting a loved one, or claiming a profile already in the system.

If you do not have internet access, take one of the following three steps:

- Ask a trusted family member or friend to open and maintain the profile for you. Then send your updates to that person.
- Send an email to our team at Interns@PrisonProfessors.org. Use Profile as the subject line.
- Write your entries by hand and send them to our team at:
- Prison Professors / Profiles
- 1205 BMC Drive Suite #706
- Cedar Park, TX 78613

Once you register with Prison Professors, we will follow up and send you a book. The book will offer more insight into how you can use time in prison to prepare for success upon release.

After you start your profile, begin developing the next chapter of your life through your biography entries, journal entries, book reports, and release plans. You can use the questions throughout this series to get started. Each response gives you an opportunity to consider your circumstances, identify a goal, and explain how you intend to move forward.

Write Your First Biography

Begin with a few paragraphs about your background, current circumstances, and goals. You do not need a list of completed achievements before introducing yourself.

Consider these questions:

- What experiences and decisions brought me to this stage of my life?
- What have I learned about myself?
- What responsibilities do I want to prepare for?

- Which steps can I begin taking with the resources available?
- What would I want a reader to see when reviewing my progress six months from now?

Write in your own voice. Choose a specific goal and explain why you selected that goal. Then describe an action you can take this week.

For example, if you want to improve your writing, identify a book you will study and set aside time to practice. Your next journal entry could explain what you learned and where you still need work.

Give yourself a date to review your first entry. Compare what you planned with what you completed, then decide what to do next.

30. Develop your Profile

Once you open your profile, you have a place to begin documenting how you are preparing for the life ahead. What you build in that space depends on your decisions. Each entry can help you explain your circumstances, develop your thinking, and show the steps you are taking toward your goals.

I encourage you to approach this project as part of your comprehensive mitigation strategy. Consider who may review your record later.

- What would help a prison administrator, probation officer, prospective employer, or other person understand how you have used your time?

Your profile gives you a way to organize that information. The four main sections—biography, journals, book reports, and release plans—allow you to explain different parts of your preparation. Collectively, participants' records also help Prison Professors demonstrate why people working toward better outcomes should have opportunities to earn greater liberty through merit.

Develop Your Biography

Begin by introducing yourself in your own voice. Describe the experiences and influences that shaped your life, the decisions that brought you to your current circumstances, and what you have learned. Help readers understand the person you are working to become.

Your biography can develop through multiple entries. You might write one entry about your upbringing, another about your education or work, and another about a decision that changed your direction. Give each entry a title that helps readers understand the subject.

Consider how those experiences influence the life you want to build. If you recognize a pattern of poor decisions, explain what you have learned and how you intend to respond differently. As you gain experience, add to your story. Readers should be able to see how your understanding develops.

Use Journals to Document Your Work

Journal entries show what you are doing with your time. Write about something you studied, a challenge you faced, a responsibility you fulfilled, or a contribution you made.

Go beyond listing activities. Explain why you chose an activity and how the experience relates to your goals. If your plan changed, describe what you learned and how you adjusted.

The questions throughout this series and our Playbook can help you begin. Choose a question, write your response, and develop your answer into a journal entry. You can return to the same question later to explain how experience has changed your perspective.

Date your writing and give each entry a descriptive title. Over time, those entries can show consistency, resourcefulness, and progress.

Follow a Structure for Book Reports

Reading gives you access to ideas and experiences beyond your immediate surroundings. A book report helps you explain how you are using those ideas to prepare.

For each report, include:

- Book title.
- Author.
- Why I chose this book.
- What I learned.
- How these lessons can help me achieve success, as I define success.

Use your own words to develop the three reflective sections. Explain the ideas that influenced your thinking and connect those ideas to your circumstances.

For example, a book about leadership might prompt you to examine how you respond when someone challenges your opinion. Your report could explain the lesson and a change you intend to practice. A later journal entry could describe an occasion when you applied that lesson.

This approach allows readers to follow the connection between learning and decisions.

Keep Developing Your Release Plan

Your release plan explains what you want to accomplish and how you intend to prepare. Include a SWOT analysis: your strengths, weaknesses, opportunities, and threats.

Consider housing, future earning capacity, education, health, family responsibilities, and the support you will need. Identify resources, likely obstacles, and steps you can take now.

Give your goals milestones you can measure. Review your plan regularly; a quarterly update provides a useful starting schedule. Explain what you completed, what changed, and what you will pursue next.

Include Other Evidence of Preparation

Use the additional profile sections to publish certificates and collect testimonials. Explain how a completed course fits your goals. Invite people who know your work to describe what they have observed.

A teacher, mentor, employer, or someone you helped may offer a perspective that strengthens the record. Their specific observations can give others reasons to have confidence in you.

Build Through Consistent Participation

Our free Playbook provides lessons and exercises you can use to develop your profile. Set a writing schedule and begin with the resources available.

Choose one section to develop this week. Write an entry, identify the next action your reflection suggests, and schedule time to follow through. Your profile should show how your plans lead to action and how those actions prepare you for the next opportunity.

For each entry, I recommend writing between 325 and 400 words. That length gives you room to develop a thought and qualifies for the full two individual points available per written entry. Consistent participation can help you advance on our leaderboard. Writing regularly also gives you practice organizing ideas, explaining decisions, and communicating with others—skills that may strengthen your future earning capacity.

31. Your Profile and Advocacy

When we ask policymakers to create more opportunities for people to earn freedom, we must give them reasons to support change. They may question whether people will use those opportunities responsibly. They may want evidence that preparation can improve conduct in prison and help people succeed after release.

Your profile can contribute to that discussion.

Prison Professors works toward reforms that would allow all people to earn time credits and create additional pathways to liberty, including a modern version of federal parole. Many people oppose those changes. To persuade them, we need to show how people respond when they have tools, encouragement, and reasons to prepare.

Our nonprofit provides the platform and free educational resources. Each participant decides how to use those resources. The biographies, journals, book reports, and release plans you develop give us examples of people taking responsibility for their futures.

Connect Your Preparation to the Mission

A comprehensive mitigation strategy helps you prepare for the opportunities you want. Your record may help a prospective employer evaluate your readiness, a mentor understand your goals, or a decision-maker consider a request for greater responsibility.

That same work can support a broader argument for reform. When many people document learning, contribution, and sustained preparation, we can show policymakers what participants are building.

Before the end of 2026, we anticipate that more than 10,000 people will participate on our platform. In 2027, we anticipate working toward a study that can test our belief that participants are more likely to succeed after release and less likely to engage in disruptive behavior during confinement. Those remain expectations to examine through credible research.

Your participation helps us build a community whose efforts and outcomes can be studied.

Understand Individual Points

We assign points to written entries to make participation easier to measure:

- **101 through 299 words:** One individual point.
- **300 words or more:** Two individual points.

Your individual points accumulate as you continue contributing. For example, ten entries of at least 300 words would earn 20 individual points.

I recommend writing between 325 and 400 words per entry. That range gives you room to explain a decision, develop a lesson, or describe progress toward a goal. Regular practice can also strengthen your ability to communicate.

The writing behind the score gives readers something to evaluate. Explain what you learned, how you applied the lesson, and what you intend to do next.

Become an Ambassador

You can also contribute by helping others participate. We call someone who introduces people to this work an ambassador.

Explain how to begin a profile. Share what you have learned about writing entries. Encourage someone to answer a question from the Playbook or develop a release plan. Continue helping that person understand how preparation connects to future opportunities.

When someone joins and identifies you as the person who invited them, that participant becomes part of your tribe. The participant earns individual points for completed work, and those points also contribute to your tribe score.

Suppose you invite ten people, and each identifies you as the person who encouraged participation. Your tribe would include ten people. If each earns 100 individual points, their combined work would contribute 1,000 points to your tribe score.

Your individual score reflects your own written participation. Your tribe score reflects the participation you helped encourage. Together, those records can show preparation and contribution to others.

Keep Building Each Month

We also maintain a separate monthly leaderboard. This allows participants to work toward recognition for their current efforts, including people who joined recently.

Monthly standings give you another way to set goals and review progress. Consider how often you will write, which profile sections need attention, and whom you could help. Continue adding to your cumulative record while pursuing your goals for the month.

Use Your Record to Build Support

When you seek an opportunity, help the reader find the preparation relevant to your request. An employer might benefit from entries about skills and completed projects. A potential mentor might review your release plan and identify where guidance could help.

Our nonprofit can use participation records and leaderboards to identify examples, explain the work taking place, and advocate for policies that reward preparation. Research can help us evaluate whether that participation connects with better outcomes.

We will continue doing our part to advance reforms. We need people in prison doing their part by learning, contributing, and documenting progress.

Choose one action this week that strengthens your own preparation and one that helps another person begin. Your work can support your future while helping us build a stronger case for freedom through merit.

Continue Learning

Visit PrisonProfessors.org for free lessons, videos, books, webinars, and tools. You can return to the website when a new question arises or continue working through the printed lessons with the resources available to you.

PrisonProfessors.org

You can build a profile to introduce yourself and document selected learning, decisions, and progress. Choose what to share and keep sensitive case information and other people's private information out of public entries.

PrisonProfessors.org/profiles

For a reader without internet access, a trusted family member or friend may help locate resources or maintain a profile. The profile lessons in this workbook explain options for sending written work.

About Prison Professors

Prison Professors Charitable Corporation is a nonprofit organization founded by Michael Santos. It provides free educational resources to help people prepare throughout the criminal justice system and build lives of contribution.

The work connects personal preparation with a broader mission: creating more opportunities for people to earn greater liberty through merit. Education, service, and documented progress can give others more to consider when they evaluate a person's future.



Continue online

PrisonProfessors.org

Free lessons, videos, webinars, and resources.

Selected Official References

These sources support selected legal and program explanations in this draft. Use the chapter references to locate the related discussion. Titles link to the official sources in the PDF edition. Reviewed November 8, 2026.

CHAPTER 7

Target letters and grand-jury investigations

U.S. Department of Justice, Justice Manual § 9-11.000.

CHAPTER 7

Appointment of counsel

U.S. Courts, Guidelines for Administering the CJA, § 220.

CHAPTER 8

Miranda and custodial interrogation

U.S. Courts, Facts and Case Summary: Miranda v. Arizona, 384 U.S. 436 (1966).

CHAPTER 8

Scope of the self-incrimination privilege

Congressional Research Service, Supreme Court Recognition of Fifth Amendment Protection for Acts of Production, RL32184.

CHAPTERS 11–13

Charging instruments and plea agreements

Federal Rules of Criminal Procedure, especially Rules 7 and 11. U.S. Courts.

CHAPTERS 13 AND 17

Sentencing framework

U.S. Sentencing Commission, 2026 Guidelines Manual, Chapter One; 18 U.S.C. § 3553(a).

CHAPTER 18

RDAP admission and program requirements

28 C.F.R. § 550.53. Electronic Code of Federal Regulations.

CHAPTER 18

First Step Act earned time credits

U.S. Sentencing Commission, First Step Act Earned Time Credits.