LESSON 7

Applying for Commutation: Explain Your Request and Prepare for Release

If the President shortened your prison term, what would you need to do in the first week after release? That question can help you prepare two parts of a commutation petition. You can explain the change you're asking for and show how you would handle the responsibilities that come with it.

Start with two questions.

- Which part of my sentence am I asking the President to reduce?
- What have I done to prepare for the change I'm requesting, and how could I show it?

Identify which part of your sentence you want reduced

The Department of Justice calls the form the "Petition for Commutation of Sentence." It offers an option to request a shorter prison term, a shorter prison term together with relief from a fine or restitution, or a reduction in supervised release, probation, or parole. If you're seeking only relief from financial penalties, the Department directs you to a separate remission application.

Check your judgment for each part of the sentence. A grant that reduces only your prison term leaves other obligations in place. If immigration detention or removal could affect where you go after prison, account for it as you plan. A commutation leaves immigration status unchanged and does not prevent removal.

The standard form's instructions call for a federal conviction and an imposed term of prison or supervision. They also ask that there be no pending court challenge to the conviction or sentence, such as a direct appeal or a motion under 28 U.S.C. § 2255. The form makes an exception to that instruction for death-penalty cases. Under a separate Department rule, when another court or administrative remedy is available, a person generally should pursue it first. Filing for commutation while such a remedy is available requires a showing of exceptional circumstances. If a court case or another avenue for relief is open to you, clarify how it affects when you can file.

Pause and write.

- How would you describe the change you want in one sentence? What part of your judgment or case record would you check first?

Use the form to organize your preparation

Work through the questions in several sessions. Start with the parts you can answer from records you have. For each answer that needs more work, write down what you need to confirm and where you could find it.

Part of the form	What you'll explain	What you can prepare
Questions 1–3. Identity, contact, and case	Who you are, how to reach you if applicable, and the details of the case and sentence.	Check your judgment, sentence dates, and records of any earlier clemency request.
Questions 4–5. Offense and other record	Your role in the offense, what you did, and other arrests or convictions.	Use the case record to check details. Write about your decisions in your own words.
Question 6. Reasons for clemency	Which change you seek and why you're asking for it.	Draft a short statement of the change and the circumstances behind your request.
Question 7. Rehabilitation	Education, work, treatment, or other activities that have been meaningful to you.	Choose an example. Explain what you learned and how you applied it.
Question 8. Release plans	Where you plan to live, how you'll look for work, and the support available to you.	List the arrangements you've confirmed and the ones you're still working on.
Certification and personal oath	Your signature and the date you sign the petition.	Review the final answers and attachments against the form before you sign.

Adapted from the U.S. Department of Justice, Office of the Pardon Attorney, "Petition for Commutation of Sentence," pp. 1–2 and 4–11. For filing when other remedies are available, see 28 C.F.R. § 1.3.

Pause and write.

- Which section could you begin today? Which fact or record would help you complete one answer?

Explain what you did and how you used your time

When you describe the offense, explain your role, the decisions you made, and the actions you took in your own words. Use the case record to check dates and details. The form asks whether you accept responsibility for your conduct. Give yourself time to think through how to answer that question.

For the rehabilitation section, choose an experience that helps a reader understand how you've responded since the offense. Suppose Luis took responsibility for counting supplies at a prison job. After his count came up short, he began recording each delivery before putting the items away and checking the total with a supervisor. A work evaluation might show his assignment. His explanation can show what he changed after the error and how he handled the responsibility the next time.

Pause and write.

- When did feedback or a mistake lead you to change how you handled a responsibility? What could someone who saw your work add to your account?

Connect your request to a release plan

In Lesson 3, Luis's brother offered him a place to live. Suppose his brother can host him for the first three months. Luis can put that time frame in his plan and ask his brother to describe the arrangement in a letter. If Luis hopes to work for a local shipping company, he can name the job he intends to pursue and what he has learned about its hiring process. He can also say what he plans to do if he needs more time to find work or housing.

Someone reviewing the request can see what Luis has arranged and what still depends on his next steps. The commutation form allows letters from friends, family, and others. A letter can explain what the writer has observed or what the person has agreed to do. Draw on your release plan to decide which details would help a reader understand how you expect to meet your obligations.

Pause and write.

- Which part of your plan could you confirm now? What would you do if one arrangement changed before release?

Review the petition and prepare it for mailing

Answer each question and explain when one doesn't apply. Attach additional pages if you need space. Read the certification and personal oath before you sign. If a Bureau of Prisons official submits the petition on your behalf, the instructions ask you to have that official include the presentence report, statement of reasons, judgment, and a progress report from the past 18 months.

You can write to the Office of the Pardon Attorney to ask for the current form. The instructions allow you to mail a legible petition typed or handwritten in ink. Send the pages and attachments loose, without staples, glue, binding, or tape. Follow the submission instructions on the form you use. Military sentences follow a separate process through the branch of conviction.

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Pause and write.

- What would you check against a record before signing, and what could you do now to get that record?

Write your journal entry

Date your entry. Describe one responsibility you're preparing for and why it belongs in your plan. Choose an action for the next seven days and set a date to review what you learn.

- What part of my sentence do I want to understand or ask the President to change?
- Which experience best shows how I have prepared for the responsibilities that would follow?
- What can I confirm this week, and how will I use that information to revise my plan?

In Lesson 8, you'll see how a fictional applicant brings the petition, supporting records, and letters together.

Use the paper filing guide

See Appendix C, pages 101–102, for ways to request the form, the mailing address, and how to follow up.