



Humanity
for Prisoners
Action with Compassion

Commutation Application Tips and Guidance

IMPORTANT LEGAL DISCLAIMER:

Humanity for Prisoners is not a legal services provider. WE DO NOT HAVE THE EXPERTISE TO PROVIDE LEGAL REPRESENTATION TO INDIVIDUALS FILING COMMUTATION APPLICATIONS. Therefore, we cannot:

1. Provide you with legal representation, research, or referrals to other attorneys,
2. Give you legal advice or answer any legal questions regarding specific aspects of your case or your loved one's case.

The advice we are providing is simply well-intended support for people who don't have other options for help. We have not measured if our advice is successful. We don't have any proven outcomes. We offer our opinion in the spirit of helping Michigan inmates seeking help to craft their applications in a professionally worded, error-free format in hope of the best possible outcomes.

Much of the information contained in this guide is a combination of our professional opinion and the guidance provided by the Criminal Defense Resource Center of the State Appellate Defender Office. They have a publication called *The Defender Guide to Michigan's Commutation Process*. It is an approximately 40-page manual written by Frank Rodriguez, a Paralegal with SADO. The Guide explains relevant constitutional provisions, statutes, administrative rules and policy directives in addition to tips to writing a successful application. Our intention is to share an abridged version focused on how to complete the application – how to craft effective responses.

The full manual (\$8 fee) can be found at the Michigan State Appellate Defender Office and Criminal Defense Resource Center website using this link: <https://www.sado.org/Products/detail/39>

First, a few basics ...

Q: What is a Commutation?

A commutation is the reduction in severity of a penalty imposed by law. It is the act of reducing a sentence resulting from a criminal conviction by the executive clemency of the Governor of the State, or President of the United States in the case of federal crimes. This is not the same as a pardon which wipes out the conviction or the actual or potential charge. A pardon implies either that the conviction was wrong, that there has been complete rehabilitation of the party, or that he/she has lived an exemplary life for many years and deserves to have his/her name cleared in old age. Commutation implies the penalty was excessive or there has been rehabilitation, reform, or other circumstances such as good conduct or community service.

Q: So how do commutations differ from pardons, clemency, and amnesty?

Pardon versus commutation.

Pardon is a forgiveness of a crime. Commutation is a lowering of the penalty/punishment. Pardon wipes out the conviction. Commutation leaves the conviction intact, but reduced the punishment.

Pardons exonerate. Commutations say enough is enough.

Unlike pardons, commutations don't restore any civil rights lost with the criminal conviction.

Prisoners usually earn commutation through good behavior, while pardons can be issued for a wide variety of reasons, some of which may be purely political.

A commutation basically says the crime isn't forgiven, but the penalty has been reduced. On the other hand, a pardon is granted for a number of reasons: because the punishment doesn't fit the crime, the person is innocent, or the prosecutors abused their discretion.

Clemency can be both

Disposition to be merciful and to moderate the severity of punishment.

An act or instance of leniency.

Clemency is considered to be based on fairness, justice, and forgiveness. It is not a right but rather a privilege, and one who is granted clemency does not have the crime forgotten, as in amnesty, but is forgiven and treated more leniently for the criminal acts. Clemency is similar to pardon in as much as it is an act of grace exempting someone from punishment. Commutation of an offender's sentence, however, is the lessening of the punishment based on the offender's own good conduct subsequent to his conviction.

In general, all sentences can be commuted, except those related to impeachment and treason. Each state and its governor can choose to limit or restrict eligibility for commutation. As long as the government exercises the power in good faith, there are no limits on commuting sentences—other than those made by the state and its chief executive.

Q: What is the parole board?

A parole board is a panel of people who decide whether an offender should be released from prison on parole after serving at least a minimum portion of their sentence as prescribed by the sentencing judge. In Michigan, the parole board determines whether a commutation application will proceed to the Governor for consideration.

Q: I am not the inmate. How can I help?

Actually, prisoners are not allowed to be paroled earlier than their earliest release date. According to truth in sentencing, prisoners must serve their entire minimum. The only time when this is not true is if the prisoner receives a commutation, which is not a parole. If you want to write a letter of support for a prisoner, you should do so and send it to the prisoner directly. That way the prisoner can include it with their application for commutation.

Now, the application ...**Cover Letter**

Commutations are extremely rare. A good cover letter will quickly and clearly communicate who you are and why you are a good candidate for the Parole Board's and Governor's time and consideration. It is not required, but can be an important piece of getting interest in reading the rest of what you have to say in your commutation application. Use it as a summary page to highlight the most important points that will make you stand out from other applicants.

Begin with jotting down rough ideas for what you want to say. It can be easier to work with these rough ideas in paper/pen before finalizing it all in the letter. (In fact, this is probably a good exercise to do before you complete the application as well.) Don't use the cover letter to provide details of your case/the crime. That is done in the application. You may want to think about using the cover letter to address three specific areas we understand are important to the Parole Board: (1) responsibility (remorse, regret, accountability for actions, etc.), (2) change/personal growth (behavior, progress, spirituality, self-awareness, compassion, etc.), (3) no chance of offending again (support network, employment, etc.). You may also use this as a place to introduce/mention supporters and extract a sentence or two from the most important letters. Mention any meritorious conduct or commendations or any relevant portions of the sentencing transcript ... anything at all that stands out in support of your position.

Have someone review the letter before you send it to catch any errors and provide feedback. It doesn't have to be perfect, but fresh eyes will catch typos. If you don't have anyone to preview it, feel free to ask us to do that for you.

Cover Letter formatting sample and considerations:

Month Day, Year

First Middle Last Name
MDOC Number
Name of Correctional Facility
1234 Facility Address Drive
City, State zip code

Michigan Department of Corrections
Office of the Parole Board
Pardons and Commutations Coordinator
PO Box 30003
Lansing, MI 48909

Dear Members of the Parole Board,

Paragraph 1 - get directly to the point. Try not to waste time on sentences that don't matter – such as “I know you are busy...” or “I'm sure you get a lot of letters...” That's their job and there's no reason in stating the obvious. Just politely get to the point and make every sentence pertain to you and why you deserve to be recommended out of thousands of applicants.

Paragraph 2 - establish a connection; provide brief summary of your background, and explain why you deserve clemency. Use examples and words that create a positive, healthy image – character traits, behaviors, evidence of change. This is where you want to use whatever is unique to you to try and find a way to personally connect to whomever reads this letter.

Paragraph 3 – summarize. Example: “In conclusion, I hope you will give strong consideration to my application for commutation and find me worthy of compassion. I pray you will submit my application with a favorable recommendation to the Governor for his/her approval and that he/she will also have mercy on me. Thank you for your time and consideration regarding this extremely important matter that has the potential to favorably impact many lives.” You will want to change and expand on this – write it in your own voice, from your heart.

Sincerely,

(Hit return 4 times and sign your name in this empty space, above your typed name.)

Your Name

cc: Name (If you intend on sending a copy to anyone, put their name here ... cc stands for “carbon copy” so add the name of whomever you intend to receive a copy of this letter)

Q1

This section deals with an applicant’s biographical information such as name, inmate number, location, date of birth, and if the application is a U.S. citizen or not. *Always double check for accuracy.*

Name / MDOC Number / Location / Date of Birth / US Citizen: yes or no

Q2 - Michigan conviction(s) for which the applicant is requesting a pardon or commutation of sentence.

Crime Title & Type (Misdemeanor or Felony)	Offense & Sentencing Dates	Court and Location	Judge	Sentence

This section deals with Michigan active sentence(s)/conviction(s) for which the applicant is requesting a pardon or commutation of sentence. It asks for the Crime Title (statute number) and Type (felony or misdemeanor), date, Court and location, Judge, and sentence imposed. Include active sentences.

Always double-check dates, statutes, etc. for accuracy. A friend or family member can access the Offender Tracking Information System (OTIS) website to obtain specific inmate information using an inmate’s MDOC number at: <http://mdocweb.state.mi.us/OTIS2/otis2.html>.

Q3 - Briefly describe the circumstances of the crime(s) for which you are requesting a commutation:

WHAT ARE THE DETAILS AND CIRCUMSTANCES OF THE CRIME(S)?

This response is where you will briefly describe the circumstances of the crime(s) for which you are requesting a commutation. Remember the Parole Board will compare your description of events against the official version from the Presentence Investigation Report (PSI). The factual allegations of the PSI are considered to be true. You don’t want any differences or discrepancies or arguments here. The information you provide here about the crime(s) and your life before the crime should match what is on record in the PSI.

Think about what the bare minimum and most important facts would be to the people reviewing your application. Try to get at conveying those facts in just a couple or three paragraphs. Be concise and get to the basics. If I imagine myself on the Parole Board, I may be more likely to read and give consideration to an application that is easy to understand among all the other applications I may be asked to review.

Q4 - Provide a brief statement explaining why you are requesting a commutation:

WHY ARE YOU ASKING FOR COMMUTATION?

Why should the Parole Board recommend a commutation/reduced sentence/forgiveness? Put your own culpability in context. Describe mitigating circumstances, but do not blame other people or other life events. Share this context as explanation and/or insight, not as an excuse. We may see things here such as:

- Potential substance abuse history as it relates to role in leading to crime
- Health issues such as mental or physical limitations
- Impoverished upbringing
- Low IQ or other things affecting your decision-making leading to the crime

- Statement from sentencing judge or prosecutor if they questioned the fairness of a mandatory sentence or the required guideline level (if no statement available, you can reproduce any such statements from the sentencing transcript to attach to your application)

Q5 – Provide a brief statement explaining why you should be granted a commutation:

WHY SHOULD YOU BE GRANTED ONE?

This response is the place where the PB wants to hear why you will not commit any crime again if you are released. Statements of remorse and personal insight about who you used to be compared with who you are now are good ways to discuss this.

Q6 – What are your home and job placement plans in the event you are released?

The best response to this question should not be as aspirational (what I want or want to do) versus well-planned action-oriented (I've researched it thoroughly, and this is what I am going to do as well as how I'm going to do it and how I'm going to get support when I need it). The difference is assuring the reader you have given appropriate thought to being prepared to turn your goals into reality through well-planned action.

The more detail here, the better. For home plans/lodging, include the name of the person(s), their address, do they own/rent, etc. For jobs, include the company name, your contact there, address, job title, pay rate, hours per week you expect to work, etc. For school plans, also include as much detail as possible – college or university name and address, how/when you plan to enroll, how you plan to pay for it, what program you plan to enter, the names and contact information of anyone you've been in touch with there, etc.

Regarding attachments ... The HFP office does NOT need any attachments to help with your application. Save those for when you submit your application to the Parole Board for review. It is very helpful to include letters from individuals who are planning to support you financially, emotionally, your future employer, place you plan to stay, anyone demonstrating support of your release and your plans upon release. These letters are very important to show you have an established support network once you get out. Definitely do include copies of any support letters with your application.

On the other hand, do not include copies of other attachments such as certificates, work records, etc. Often the MDOC and Parole Board already have copies of these records. Instead of attaching copies, we suggest you save your money on copies and simply list or catalog those attachments. Give them each a label + corresponding letter or number so they can be referenced. Then throughout your responses, you may choose to refer to these other documents within the text, using parentheses and noting the attached file or document name within the parentheses. As an example: (See Attachment 1 – Item A: Certificate of Achievement) or (See Attachment 1 – List of Certificates, Merit, and Education).

This document produced for you by



If you found this helpful, please consider donating
PO Box 687 · Grand Haven, MI 49417 · 616.935.0075
humanityforprisoners.org · email: info@humanityforprisoners.org