Types of Pardons in Virginia and Eligibility Information

When submitting a pardon petition of any type, there is no reliable method of predicting how long a pardon petition investigation will take to complete. The investigation process may take a year or longer.

The petition process does not include a hearing, meeting or conference with the petitioner or persons on the petitioner's behalf. All information to be considered must be submitted to the Secretary of the Commonwealth's office in writing.

If a petition is denied, the petitioner cannot appeal the decision, but the petitioner may file a new petition two years after the date of the denial letter.

SIMPLE PARDON

A simple pardon is an act by the Governor on behalf of the Commonwealth where official forgiveness is granted for a crime for which a person has been convicted. The Virginia Governor's power of executive clemency only extends to Virginia convictions. The Office of the Governor has no jurisdiction over expungements, out-of-state convictions, or federal convictions.

Currently to petition for a simple pardon, you must be *free of all conditions set by the court on all convictions in all states followed by a waiting period of five years.* To calculate the eligibility date to petition for a simple pardon, find your conviction date; add any conditions of the court including all suspended time, supervised and unsupervised probation, and good time behavior on all convictions in all states then add 5 years.

To obtain a copy of your criminal record, contact the Virginia State Police – Criminal Records division. If a Virginia felony was involved, you MUST have been granted your Restoration of Rights before appealing for a simple pardon.

If a simple pardon is granted, a notation will be added to the criminal record showing the word "pardon" next to the conviction. A simple pardon <u>does not</u> remove the conviction from a criminal record. A simple pardon does not restore the right to possess a firearm. You must petition the appropriate Circuit Court pursuant to Va. Code §18.2-308.2.

ABSOLUTE PARDON

An absolute pardon may be granted when the Governor is convinced that the petitioner is innocent of the charge for which he or she was convicted. An individual is eligible to petition for an absolute pardon ONLY if he/she pled Not Guilty throughout the judicial process and exhausted all forms of judicial appeals and other remedies. An absolute pardon is rarely granted.

In 2004, the Virginia General Assembly passed legislation giving individuals convicted of crime the opportunity to have the court itself consider claims of innocence, even after a conviction. If the court finds it made an erroneous conviction, the court then issues a Writ of Actual Innocence. (This legislation is in the Code of Virginia in Sections 19.2-327 through 19.2-327.13.) In most circumstances, this avenue for pardon must also be tried before appealing to the Governor. Writ of Actual Innocence paperwork should be filed with the Office of the Attorney General, not with the Office of the Secretary of the Commonwealth.

If all remedies have been exhausted as required by law, you may then submit a petition for an absolute pardon to the Governor, along with evidence that the court has rejected your claim under the new law above, or an explanation of the legal basis for why you believe the new law is not applicable to your situation.

CONDITIONAL PARDON

A conditional pardon is an act by the Governor to modify or end a sentence imposed by the court. The Governor only grants a conditional pardon when there is substantial evidence of extraordinary circumstances to warrant it; such a pardon is not regarded as a substitute judgment for that of the convicting court. If you are a family member, you may file on behalf of a petitioner only with written consent from the petitioner.

If you have additional questions, please visit our website at www.commonwealth.virginia.gov/judicial-system/ or contact our office by email at pardons@governor.virginia.gov

To request a pardon, please return this completed form and any supporting documentation to:

Pardons, Secretary of the Commonwealth PO Box 2454 Richmond, VA 23218

Virginia Pardon Petitioner Questionnaire

Mail to: Pardons, Secretary of the Commonwealth, PO Box 2454, Richmond, VA 23218

You must answer all questions and provide all relevant information necessary for your petition to be reviewed. If a question does not apply, put N/A in the blank. Documents (or copies of documents) submitted to our office for pardon consideration cannot be copied or returned. For this reason, please be sure to retain copies of all documents sent to our office. To ensure an accurate petition, it is recommended that you obtain a copy of your criminal history from the Virginia State Police Criminal Records Division prior to submitting a pardon request.

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	ase print or type the complete information in each blank.		
1.	Type of Pardon requested: (Select one) Review attached eligibility requirements before selecting. Simple Absolute Conditional		
2.	Petitioner's Full Legal Name:		
3.	Petitioner's Name at the time of conviction and/or any aliases:		
4.	Date of Birth: 5. Social Security Number:		
6.	Mailing Address:		
	Home Phone/Cell Phone: 8. Work Phone:		
9.	Email Address:		
10.	Inmate Number (if applicable)		
11.	Is this request related to immigration? If so, what is your court date?		
12.	Contact information for individual(s) authorized by petitioner, to speak to our office:		
	a separate sheet of paper, please provide the following information. Be sure to print your name and date of birth at the of each additional page. Information may be typed or printed legibly on front of paper only.		
	 Include an explanation of why you feel the Governor should grant you a pardon. List your employment history for the last ten years. When available, include the start date, finish date, employer's name, employer's address, job title, and reason for leaving. List your educational accomplishments to include the names of schools attended, years attended, and any degrees or 		

- List your educational accomplishments to include the names of schools attended, years attended, and any degrees or certifications received.
- List any military history. Include dates of service, branch of service, and type of discharge. If you did not receive an Honorable Discharge, state the reasons.
- List any community service or volunteer work you have performed.

-- Adult and Juvenile Criminal History --

On a separate sheet of paper, please provide all of the following information. Please indicate the conviction(s) for which you are seeking a pardon. Be sure to print your name and date of birth at the top of each additional page. Information may be typed or printed legibly on front of paper only.

- List *ALL* arrests even if they were dismissed by the court. Describe the events that lead to your arrest (what did you do to get arrested?)

For each arrest, list the following:

- What were you charged with at the time of your arrest?
- What were you convicted of by the court?
- What is the date for each conviction?
- What is the convicting court for each conviction?
- Did you plead not guilty, guilty, or have a plea agreement?
- Did you appeal the court's decision? If yes, provide date of appeal was dismissed.
- Have you petitioned the Attorney General's Office for a Writ of Actual Innocence? If yes, provide date of petition.
- What was the sentence for each conviction? When available, provide a copy of the Sentencing Order for each conviction.
- If a Virginia felony was involved, include a copy of your Restoration of Rights paperwork.
- Do you have any out-of-state or federal convictions? If yes, what were you charged with at the time of your arrest? What is the date for each conviction?

By signing, you are indicating that the information provided on this document and all attached documents is true and accurate to the best of your knowledge. Any untruthful statements may reflect unfavorably on your request.		
Signature of Petitioner	Date:	