
From: Norman Reimer <[REDACTED]>
Sent: Friday, May 02, 2014 10:52 AM
To: Leff, Deborah (OPATTY)
Cc: Kenney, Kathleen M. (BOP); Vogel, Miriam (ODAG); Childs, Heather G. (ODAG); Patchen, Stuart (A2J)
Subject: Re: Meeting about Clemency Project 2014

Thanks Debby. Such a meeting will be invaluable. I will get on this right away and will be back to you later today on behalf of CP 2014. Norm

Norman L. Reimer

[REDACTED]

[REDACTED]

Sent from my iPhone

On May 2, 2014, at 10:44 AM, "Leff, Deborah (OPATTY)" <[REDACTED]> wrote:

Good morning, Norm.

As I mentioned to you yesterday, I think it makes sense for staff at the Office of the Pardon Attorney to meet with Clemency Project 2014 and BOP to discuss what information pro bono attorneys will be securing as part of the petition efforts and to figure out how to assemble this most efficiently – both in terms of structure and transmission – to maximize use of the information. Having BOP there would help greatly in terms of alignment. Miriam, Heather, and Stuart, of course you are most welcome to come.

Would you be able to check with your colleagues about who would like to be part of this meeting? I would suggest that we have it Tuesday, Wednesday, or Thursday of next week if at all possible so we can keep things moving along. If people could let me know of their interest and availability, I will try to set something up.

Thank you.

Deborah

From: Leff, Deborah (OPATTY)
Sent: Friday, May 02, 2014 10:44 AM
To: Kenney, Kathleen M. (BOP); PERSONAL CONTACT INFORMATION
Cc: Vogel, Miriam (ODAG); Childs, Heather G. (ODAG); Patchen, Stuart (A2J)
Subject: Meeting about Clemency Project 2014

Good morning, Norm.

As I mentioned to you yesterday, I think it makes sense for staff at the Office of the Pardon Attorney to meet with Clemency Project 2014 and BOP to discuss what information pro bono attorneys will be securing as part of the petition efforts and to figure out how to assemble this most efficiently – both in terms of structure and transmission -- to maximize use of the information. Having BOP there would help greatly in terms of alignment. Miriam, Heather, and Stuart, of course you are most welcome to come.

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Thank you.

Deborah

From: Childs, Heather G. (ODAG)
Sent: Wednesday, April 23, 2014 11:50 AM
To: Norman Reimer
Cc: Leff, Deborah (A2J)
Subject: RE: Executive Clemency Survey
Attachments: Commutation BOP form 4.22.14 FINAL.doc

Tracking:	Recipient	Read
	Norman Reimer	
	Leff, Deborah (A2J)	Read: 4/23/2014 11:51 AM

Excellent news!

Attached is a copy of the notice and survey. Instead of changing the survey, Kathy is going to forward you all just the questions pertinent to your review.

From: Norman Reimer [mailto:[PERSONAL CONTACT INFORMATION](#)]
Sent: Wednesday, April 23, 2014 11:49 AM
To: Childs, Heather G. (ODAG)
Cc: Leff, Deborah (A2J)
Subject: RE: Executive Clemency Survey

You two have been so terrific. Looking forward to following up with Kathy.

A couple of important points:

First, we will be looking to get the actual notice and the survey when it is finalized as soon as possible so that we coordinate with the project in the development of the data base. Just wanted to flag that for you.

Second, late yesterday I sent a notice to NACDL membership and in just a couple of hours we have 160 lawyers volunteering - many of whom are highly experienced federal practitioners.

Norm

Norman L Reimer
Executive Director
National Association of Criminal Defense Lawyers
1660 L St. NW 12th Fl
Washington, DC 20036

[PERSONAL CONTACT INFORMATION](#)

From: Childs, Heather G. (ODAG) [PERSONAL CONTACT INFORMATION]
Sent: Wednesday, April 23, 2014 11:42 AM
To: Norman Reimer
Cc: Leff, Deborah (A2J)
Subject: RE: Executive Clemency Survey

Hi Norm – Great seeing you yesterday. I think yesterday’s meeting and today’s press conference went well! Very excited about the initiative and the Clemency Project’s involvement.

I understand that you will work out the survey issues with Kathy. She indicated it shouldn’t be a problem. But if you need anything, let me know. Although Debby will be your primary contact on these things. Congratulations again, Debby!

Thanks!
Heather

From: Norman Reimer [mailto:PERSONAL CONTACT INFORMATION]
Sent: Monday, April 21, 2014 2:49 PM
To: Childs, Heather G. (ODAG)
Subject: RE: Executive Clemency Survey

Heather – Is there any chance we can have a quick call? It might be easier to explain in a brief conversation.

Norm

Norman L. Reimer
PERSONAL CONTACT INFORMATION
PERSONAL CONTACT INFORMATION

From: Childs, Heather G. (ODAG) [mailto:PERSONAL CONTACT INFORMATION]
Sent: Monday, April 21, 2014 2:33 PM
To: Norman Reimer
Subject: RE: Executive Clemency Survey

Thanks Norm. Yes, we can meet after tomorrow’s meeting. I’ll take care of the content of the survey questions – and if you want to email me today, I can see what I can turn around quickly.

Yes, please raise the mitigation and reentry plan question with the DAG.

Thanks,
Heather

From: Norman Reimer [mailto:PERSONAL CONTACT INFORMATION]
Sent: Monday, April 21, 2014 2:31 PM
To: Childs, Heather G. (ODAG); PERSONAL CONTACT INFORMATION; PERSONAL CONTACT INFORMATION; PERSONAL CONTACT INFORMATION; PERSONAL CONTACT INFORMATION; PERSONAL CONTACT INFORMATION; PERSONAL CONTACT INFORMATION
Cc: Vogel, Miriam (ODAG); Leff, Deborah (A2J); Patchen, Stuart (A2J); Bullock, Bob (A2J)
Subject: RE: Executive Clemency Survey

Hi Heather:

We have some specific issues that we want to raise with respect to the content of the survey. We think it would be most efficient if we could raise these issues with you after the meeting tomorrow. Can we work that out?

As far as unresolved questions, we had a question with respect to the importance and scope of mitigation and a reentry plan, but I believe you indicated we should raise that question at the meeting with the DAG.

Norman

Norman L. Reimer
Executive Director
National Association of Criminal Defense Lawyers
Foundation for Criminal Justice
1660 L St. NW 12th Floor
Washington, DC 20036

PERSONAL CONTACT INFORMATION
PERSONAL CONTACT INFORMATION (FAX)

www.nacdl.org
www.facebook.com/NACDL
www.twitter.com/NACDL

From: Childs, Heather G. (ODAG) [mailto:PERSONAL CONTACT INFORMATION]
Sent: Monday, April 21, 2014 2:19 PM
To: Norman Reimer; PERSONAL CONTACT INFORMATION; PERSONAL CONTACT INFORMATION; PERSONAL CONTACT INFORMATION; PERSONAL CONTACT INFORMATION;
PERSONAL CONTACT INFORMATION; PERSONAL CONTACT INFORMATION
Cc: Vogel, Miriam (ODAG); Leff, Deborah (A2J); Patchen, Stuart (A2J); Bullock, Bob (A2J)
Subject: RE: Executive Clemency Survey

Hi everyone –

I have answers to your outstanding questions.

First, the DAG appreciates that you will be conducting training and that it will take 4-6 weeks from tomorrow for you to gear up to accept requests for counsel. That said, BOP is prepared to issue the Notice and Survey to prisoners by the end of next week (May 2). It will take time for BOP to do that, to answer questions of inmates, and collect the surveys in a shareable format. As such, the timing may correlate with your internal process anyway. But he does not want to hold back issuance of the Survey to inmates.

Second, petitioners are not be required to withdraw pending 2255 motions in order to be considered for clemency. But you should explain in the petition why the 2255 is not an effective form of relief.

Is there anything else I owe you?

Thanks so much,
Heather

From: Childs, Heather G. (ODAG)
Sent: Thursday, April 17, 2014 10:41 PM

To: [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED];
[REDACTED]; [REDACTED]

Cc: Vogel, Miriam (ODAG); Leff, Deborah (A2J); Patchen, Stuart (A2J); Bullock, Bob (A2J)

Subject: Executive Clemency Survey

Hi everyone – As promised, attached is the Clemency Survey that will be distributed to all federal inmates, in both English and Spanish. I will get back to you on your outstanding questions before Tuesday.

Thank you again for your tremendous work on this important initiative, and looking forward to seeing you Tuesday.

Heather

<< File: Clemency Survey 4.17.14.docx >>

NOTICE TO INMATES: Initiative on Executive Clemency

On April 23, 2014, the Department of Justice announced an initiative to encourage appropriate candidates to petition for executive clemency, seeking to have their sentences commuted, or reduced, by the President of the United States. In this notice, the Bureau of Prisons (BOP) provides you with information regarding the scope and intent of this new initiative.

Commutation of sentence remains unusual and extraordinarily rare. This initiative, however, invites petitions from non-violent federal inmates who would not pose a threat to public safety if released. In particular, this initiative is limited to inmates who:

- Are currently serving a federal sentence in prison and, by operation of law, likely would have received a substantially lower sentence if convicted of the same offense(s) today¹;
- Are non-violent, low-level offenders without significant ties to large-scale criminal organizations, gangs, or cartels;
- Have served at least 10 years of their sentence;
- Do not have a significant criminal history;
- Have demonstrated good conduct in prison; and
- Have no history of violence prior to or during their current term of imprisonment.

You may choose to have an attorney to assist you in preparing a petition for clemency. You have the option of retaining counsel of your choice. We have also been asked to inform you that the Clemency Project 2014, a group of experienced criminal defense and non-profit lawyers, has offered to assist qualifying inmates with their petitions at no cost to you. If you would like to request that an attorney from the Clemency Project 2014 assist you with your clemency petition, please complete the Executive Clemency Survey via the TRULINCS Survey Service. At your request, we will forward your survey responses to the Clemency Project 2014. Once they receive the survey, it will be up to the Clemency Project 2014 to determine whether they will provide you with pro bono representation after considering whether or not you meet the criteria for this initiative.

If you do not wish to have an attorney assist you with your clemency petition and believe you meet the criteria outlined above, you should contact your unit team for the appropriate forms to complete. In addition to the clemency petition, you should also

¹ You may have received a substantially lower sentence today if, for example, you were sentenced to a mandatory minimum sentence for a crack cocaine offense that has since been lowered by the Fair Sentencing Act of 2010. Another example is if the sentencing guidelines were mandatory in your case and there is evidence that, if the judge was not constrained by the mandatory sentencing guidelines, he or she likely would have sentenced you to a lesser sentence.

complete the Executive Clemency Survey by filling in the responses manually (not via the TRULINCS Survey).

If you meet the above-described criteria and have already submitted a petition for commutation of sentence to the Pardon Attorney, which is still under review, your application will be reviewed as part of this initiative. You are not required to submit a new application, but you may supplement your pending application if you wish to do so.

THERE IS NO GUARANTEE THAT PETITIONS SUBMITTED WILL BE GRANTED. This initiative creates no legal rights for petitioners. The rules governing petitions for commutation of sentence (see Title 28, Code of Federal Regulations Part 1, Sections 1.1 – 1.11) apply to all inmates regardless of the Department's new initiative. Petitions for commutation are not generally accepted from inmates who are presently challenging their convictions or sentences. A person who has previously been denied commutation of sentence becomes eligible to reapply for commutation one year from the date of the President's denial of the petitioner's last petition for this relief. Applicants are expected to be candid in their petitions. The Department may consult the sentencing judge and prosecuting authorities involved in the petitioner's case when considering the appropriateness of each petition. To learn more about these and other issues, you can review BOP Program Statement 1330.15, [Petition for Commutation of Sentence](#).

EXECUTIVE CLEMENCY SURVEY

Commutation of sentence remains unusual and extraordinarily rare. However, if you believe you meet the criteria and would like to apply for commutation of sentence, please answer the following questions:

1. For what offense(s) were you convicted for which you are serving your current federal sentence?
2. What sentence did the judge originally impose?
3. When were you originally sentenced?
4. Were you given a longer sentence for possessing or using a weapon? If so, describe those circumstances.
5. Was your sentence later changed? If so, what is your current sentence?
6. How much time have you served on your current sentence?
7. Are you currently appealing or challenging any part of your conviction or sentence? If so, is that case pending?
8. Have you been convicted of any other crimes besides the one(s) for which you are serving your current federal sentence? If so, please list the offense(s) and sentence(s) received.
9. Have you received any incident reports while serving your current sentence? If so, please list the date and circumstance of each report.
10. Would you like to request the assistance of an attorney from the Clemency Project 2014 to assist with your petition for commutation of sentence at no cost to you?
11. If you answered yes to Question 10, do you understand that your answers will not be forwarded to the Pardon Attorney and that instead the Bureau of Prisons will forward your answers to the Clemency Project 2014, a group of experienced

criminal defense lawyers and non-profit organizations formed to address the Department of Justice's Clemency Initiative?

12. To the extent possible, please list the following information:

- Name – first, last, middle
- District Court Case Number
- Bureau of Prisons Facility Location and Address
- BOP Register Number
- District where sentenced
- Projected Release Date
- Attorney who represented you at sentencing -- please provide name and address if you know it
- Attorney(s) who previously represented you in any appeal, habeas proceeding, sentence reduction proceeding, or application for sentence commutation -- please provide name and address if you know it
- If you currently have an attorney representing you in any aspect of your federal criminal case, please provide the attorney's name, address, and any other contact information if you know it.

Please note that the Pardon Attorney may consult with prosecuting authorities and the judge involved in your case when considering the appropriateness of your petition, and as such, your full candor in this application is critical and will impact the likelihood of the success of your petition.

If you answered no to Question 10 and would like to submit a petition for commutation of sentence without the assistance of an attorney, your answers will be given to the Office of the Pardon Attorney as part of your petition. You may also retain paid or pro bono counsel of your choice to assist you with submitting a petition. If you have retained counsel, you may want to consult with that counsel before submitting responses to this survey.

If you answered yes to Question 10 and would like to request the services of an attorney from the Clemency Project 2014 to assist with your petition at no cost to you, the Bureau of Prisons will forward your answers to the Clemency Project 2014, a group of criminal defense lawyers and non-profit organizations dedicated to advancing the rights of criminal defendants and formed to address the Department of Justice's Clemency Initiative. The Clemency Project 2014 will review requests for assistance and connect those whose cases that the Project determines appear to meet the described criteria with Federal Public Defenders or pro bono counsel trained in the sentence commutation process. The Clemency Project 2014 does not guarantee you will be provided a lawyer to represent you in filing a petition for commutation. They will review your answers and let you know if you appear to meet the criteria, in which case you will be asked for more information. Everyone who requests the assistance of an attorney will receive a response

via U.S. mail. PLEASE BE PATIENT AS THE PROJECT WILL BE HEARING FROM MANY PRISONERS. Do not send documents or other information until asked to do so.

Non-Responsive

From: Norman Reimer [<mailto:> PERSONAL CONTACT INFORMATION]
Sent: Tuesday, April 22, 2014 8:32 AM
To: Childs, Heather G. (ODAG)
Cc: Leff, Deborah (A2J)
Subject: Clemency Project - Survey concerns

Heather:

To help expedite the process, I write to explain our concerns with the draft survey.

We understand that the draft survey is designed to be used by inmates who will proceed pro se, as well as by those who will seek the assistance of unpaid counsel. In the latter case, responses will be uploaded and made available to our database. There are several questions that are pertinent to those proceeding pro se that need not be answered by inmates at this stage of the process by those who seek to be assigned counsel via the Clemency Project. Specifically questions 4, 8 and 9, which respectively require the inmate to 1) describe the circumstances surrounding a sentence for weapon possession, 2) list every other offense and sentence, and 3) list every incident report, including the date and circumstance of each incident, are extremely problematic from our perspective. The reason is purely one of logistics. We are concerned that these questions which seek narrative answers will vastly complicate and prolong the task of aggregating the information into a database. To be perfectly clear, we understand that all of this information is essential and must be considered in order to assess the merits of a request for clemency. We have two chief concerns. We are concerned that inmates will have great difficulty in expeditiously acquiring the information necessary to complete these questions, and we are equally concerned that processing extensive narrative will frustrate the intake process. Certainly our database is not designed to handle coding for the variety of answers such narrative questions will elicit. The project participants intend that the attorneys processing a request will acquire, verify

and convey all of this information in a petition. Thus, there is no reason to prolong the intake process by requiring this information from those who are seeking counsel through the pro bono project.

We believe an easy fix would be to reconfigure the survey so that only those who elect to proceed pro se will be asked to provide the information sought in Questions 4, 8 and 9. Those who opt to have counsel provided for them through the project should not be required to respond to those inquiries at this point in the process. This will be consistent with what I assume will be a process whereby the survey forms of those who proceed pro se will be transmitted to DOJ, whereas for those who seek counsel from the project, BOP will enter the information in a spreadsheet and then forward that on to the Clemency Project 2014 for intake.

Unrelated to this issue, under Question 12, which is mostly fine, we have two requests. First, please add Date of Birth. Second, in the last bullet (inquiring about whether the inmate has an attorney for any aspect of their federal case), please add the phrase, "including an application for sentence commutation."

Finally, we ask that you add this sentence to the last paragraph:

"If the Clemency Project concludes that you do not appear to meet the criteria for filing a petition, you will remain free to pursue a petition on your own or with other counsel."

Thank you for all that you are doing and we look forward to seeing you later.

Norman

Norman L Reimer
Executive Director
National Association of Criminal Defense Lawyers
Foundation for Criminal Justice
1660 L St. NW 12th Fl
Washington, DC 20036

CRIMINAL CONTACT INFORMATION

non-responsive

From: Amy Baron-Evans [<mailto:PERSONAL CONTACT INFORMATION>]
Sent: Tuesday, June 03, 2014 11:39 AM
To: Cole, James (ODAG)
Cc: Childs, Heather G. (ODAG); Vogel, Miriam (ODAG); Michael Nachmanoff
Subject: Federal Defenders – sentence commutation

Dear Jim:

We understand that you are meeting with Judge Bates on Wednesday. It would be helpful if you could mention that full participation by Federal Defenders in evaluating cases and preparing petitions is crucial to the sentence commutation effort. As you know, we will be training lawyers across the country who have no experience with federal criminal law to obtain the necessary documents, analyze whether the sentence would be lower if imposed today and by how much, and write petitions addressing all of the criteria. However, the more cases analyzed and petitions prepared by counsel who already have the documents and fully understand federal sentencing law, the better for all concerned.

Thank you.

Amy Baron-Evans
Michael Nachmanoff

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Amy Baron-Evans
Sentencing Resource Counsel
Federal Public and Community Defenders
Federal Defender Office
51 Sleeper Street 5th floor
Boston, MA 02210

PERSONAL CONTACT INFORMATION
cell

PERSONAL CONTACT INFORMATION
office direct dial

(617) 223-8061 office main number

PERSONAL CONTACT INFORMATION
fax