### **Core Interests of Criminal Law**

At its foundation, criminal law is concerned with justice, deterrence, rehabilitation, and public safety. A pardon doesn’t erase the crime, but it can be justified under certain principles:

* **Rehabilitation**: Applicants who demonstrate genuine remorse, positive life changes, and a clean record post-conviction are often favored.
* **Disproportionate Punishment**: If the sentence appears excessively harsh relative to the crime, especially in light of current legal standards, a pardon may be considered a corrective measure.
* **Restorative Justice**: Actions like community service, reparations, or advocacy related to the crime can help tip the scales toward mercy.
* **Retribution:** This principle holds that wrongdoers deserve punishment proportional to the severity of their crime. It’s less about preventing future crimes and more about moral accountability—society’s way of affirming that certain conduct is unacceptable.
* **Incapacitation:** By physically restricting a person’s ability to commit further crimes—usually through imprisonment—this interest focuses on protecting society from individuals deemed dangerous.
* **Rule of Law and Legal Certainty:** Criminal law seeks to uphold consistent application of laws to preserve public trust. Decisions, including pardons, that appear arbitrary or inconsistent can undermine this principle.
* **Public Confidence and Legitimacy:** Maintaining faith in the justice system is critical. If the public perceives that laws are applied unfairly—or that mercy is extended unjustly—it can erode the system’s legitimacy.
* **Victim Consideration and Closure:** Modern criminal law increasingly considers the rights and needs of victims. Their voices, experiences, and potential for closure or healing play a growing role, even in post-conviction relief like pardons.

Each of these interests can either support or complicate a pardon application. A good petition will usually try to harmonize the act of clemency with as many of these principles as possible.

### **Jurisdictional Attitudes Toward Clemency**

Different jurisdictions interpret and apply pardon powers uniquely. E.g.:

* **Federal vs. State**: In the U.S., for instance, presidential pardons apply to federal offenses, while governors oversee state clemency. Federal guidelines are often more formalized, while states may allow greater discretion.
* **Political Climate**: More conservative jurisdictions may view pardons as undermining accountability, whereas progressive ones may see them as tools for justice reform.
* **History & Precedent**: A jurisdiction with a tradition of generous clemency (such as for nonviolent drug offenses) may be more receptive to similar petitions.

Clemency practices vary widely across jurisdictions, shaped by legal frameworks, political leadership, and cultural attitudes toward mercy and justice. Here's a breakdown of how Wisconsin, Minnesota, Illinois, and the federal government under the Trump administration have approached clemency:

### **Wisconsin**

* + **Restrictive and Rare**: Wisconsin governors have historically been cautious with clemency. From 1987 to 2010, no pardons were issued at all.
  + **Governor Tony Evers** (2019–present) revived the pardon process, but only for individuals who completed their sentences at least five years prior and have remained crime-free. He does not issue commutations.
  + **Focus**: Rehabilitation and reintegration, especially for nonviolent offenders seeking relief from collateral consequences like employment barriers.

### **Minnesota**

* + **Board-Based System**: Clemency decisions are made by a three-member Board of Pardons (Governor, Attorney General, and Chief Justice of the Supreme Court), requiring unanimous agreement.
  + **Cautious but Active**: The board meets twice a year and grants a modest number of pardons, often emphasizing rehabilitation and public safety.
  + **Recent Trends**: Under Governor Tim Walz, there’s been a slight uptick in clemency grants, with a focus on transparency and fairness.

### **Illinois**

* + **Governor-Driven**: The governor has sole clemency authority, advised by the Prisoner Review Board.
  + **Governor J.B. Pritzker** has issued a relatively high number of pardons—65 in the first five months of 2025 alone—but has not granted any sentence commutations during that time.
  + **Challenges**: A significant backlog of petitions persists, with some applicants waiting 3–5 years or more for a decision.
  + **Priorities**: Pritzker has focused on nonviolent offenses, especially drug-related convictions, and routinely includes expungement rights with pardons.

### **Federal Government under Donald Trump’s Administration**

* + **Highly Personalized and Politicized**: Trump’s clemency decisions often bypassed the traditional Department of Justice review process, favoring personal connections, political allies, and high-profile cases.
  + **Volume and Focus**: He issued numerous pardons and commutations, including for:
    - Political allies and donors
    - Individuals convicted of corruption, fraud, or campaign finance violations
    - January 6 defendants and anti-abortion activists
  + **Controversial Examples**: Trump commuted the sentence of former Illinois Governor Rod Blagojevich and pardoned figures like Ross Ulbricht and Devon Archer.
  + **Criticism**: Many legal scholars and watchdog groups argued that Trump’s clemency practices undermined the rule of law and public trust in the justice system.

### **Subjective Factors of the Applicant**

Beyond formal criteria, decision-makers weigh personal details:

* **Employment & Contribution**: Post-conviction civic involvement, employment, or public service helps show rehabilitation.
* **Time Elapsed**: The longer the applicant has stayed out of trouble, the stronger the case, as it suggests enduring change.
* **Health & Humanitarian Concerns**: In cases involving terminal illness or advanced age, clemency can be seen as an act of compassion.
* **Demonstrated Personal Transformation**
  + This goes beyond surface-level changes. Did the individual overcome addiction? Earn degrees? Mentored others in similar situations? Specific milestones of growth show sustained self-improvement.
* **Community Ties and Reputation**
  + Deep roots in a local community—through faith groups, volunteer work, coaching, or other forms of service—demonstrate both stability and social reintegration. When neighbors, clergy, or community leaders vouch for you, it carries emotional and moral weight.
* **Family Responsibilities**
  + Caring for dependents, especially children, elderly relatives, or disabled family members, can support a petition grounded in compassion and societal benefit.
* **Professional Achievement or Entrepreneurial Effort**
  + Holding steady employment, launching a business, or excelling in a trade post-conviction strengthens the perception of rehabilitation. Bonus points if the individual hires or supports others with criminal records.
* **Advocacy and Peer Support**
  + Active involvement in criminal justice reform, reentry programs, or mentoring formerly incarcerated individuals helps demonstrate a commitment to paying it forward.
* **Emotional Intelligence and Insight**
  + Applications that convey genuine self-awareness—expressing regret, understanding the impact on victims, and explaining how one’s worldview has evolved—tend to resonate far more than rote apologies.
* **Adversity or Disadvantage Overcome**
  + If the applicant grew up in poverty, experienced trauma, or faced systemic injustice, and still managed to rebuild their life, that narrative of resilience adds powerful texture to the petition—without excusing the offense.

When woven together, these details help decision-makers see the applicant not just as a past offender, but as a whole person with dignity, depth, and direction. **Constructing a Successful Application**

Ultimately, a successful pardon application doesn’t just argue for forgiveness—it shows how the individual’s transformation aligns with society’s interest in justice and redemption. Bringing together the legal foundations, jurisdictional nuances, and subjective factors we've explored, a persuasive pardon application must be more than a simple plea for mercy—it should be a narrative of transformation that aligns personal redemption with the broader interests of justice. Here’s how to structure such an application with clarity, credibility, and compassion:

## **Establish Alignment with Core Principles of Criminal Law.**

Your application should begin by addressing how clemency serves—not contradicts—the goals of the justice system. For instance,

* **Rehabilitation**: Provide concrete evidence of change. Discuss educational achievements, community engagement, or therapy that reflect personal growth.
* **Proportionality**: Highlight any changes in law or policy that would render the punishment less severe today.
* **Restorative Justice**: If applicable, show steps taken to make amends with victims or contributions to affected communities.
* **Public Safety**: Emphasize a sustained law-abiding life post-sentence.

Even retributive justice can be honored by demonstrating that sufficient punishment has been served, and the individual has embraced accountability.

## **Reflect Jurisdictional Expectations and Processes.**

Customize the petition based on the rules and ethos of the decision-making authority.

* **Wisconsin**: Focus on demonstrating moral character, post-sentence reform, and contributions to society, especially if the conviction is old. Avoid asking for sentence reduction (commutations are not offered).
* **Minnesota**: Emphasize unanimity and balance—since three officials must agree, your application must appeal to legal, executive, and moral sensibilities. Show community support and safety assurances.
* **Illinois**: Highlight any backlog-related delay if applicable. Tailor the petition to show consistency with the governor’s priorities—i.e., nonviolent offenses and post-conviction productivity.
* **Federal (Trump-era precedent)**: While unconventional channels were often used, your narrative should focus on broad public sympathy, media or political attention (if applicable), or exemplary service. That said, in a traditional DOJ review, thorough documentation and absence of ongoing litigation are key.

## **Include Persuasive Subjective Elements.**

Humanize the request with sincerity and specificit.

* **Current Circumstances**: Detail personal burdens or barriers caused by the conviction, such as employment denial, immigration risks, or ineligibility for licenses.
* **Time and Consistency**: Show not just momentary change but sustained ethical conduct, humility, and civic responsibility over years.
* **Humanitarian Grounds**: If relevant, cite serious health conditions, terminal diagnoses, or advanced age as compassionate grounds.

## **Acknowledge and Honor the Justice System.**

Acknowledge the crime, the fairness of the sentence at the time, and the importance of accountability. Avoid re-litigating the case unless you’re including new legal developments. Show that your petition is not an evasion of justice but an affirmation of it—rooted in the belief that the law also values redemption.

At its most compelling, a pardon application is not a claim to entitlement. One should not approach it as an attempt to rehash the facts of the case, minimize or deny responsibility, or claim they were wronged by the justice system. Instead, these applications are an appeal to society’s deeper ideals—mercy, accountability, and the belief that people can change. It’s a careful blend of legal fluency and human storytelling with no room for blaming people other than the applicant for their conviction, or any other form of arrogance in the applicant’s request.