



**TEXAS BOARD  
OF  
PARDONS AND PAROLES**

**Number: BPP-DIR. 143.340**

**Date: February 22, 2012**

**Page: 1 of 3**

**Supersedes: N/A**

## **BOARD DIRECTIVE**

---

**SUBJECT: FULL PARDON – DEFERRED ADJUDICATION**

**PURPOSE:** To provide guidance for the Board of Pardons and Paroles (Board) and staff to process a full pardon application for persons who successfully completed a deferred adjudication community supervision.

**AUTHORITY:** Texas Constitution, Article IV, Section 11  
Texas Code of Criminal Procedure, Article 48.01  
Texas Government Code, Sections 508.084 and 508.115  
Texas Administrative Code, Title 37, Part 5, Chapter 143, Sections 143.1 – 143.12

**DISCUSSION:** The Texas Constitution, Article IV, Section 11 was amended on November 8, 2011. The amendment authorized the governor to grant clemency, upon the recommendation and advice of a majority of the Board, for a person who successfully completed a term of deferred adjudication community supervision.

The enabling statute, Code of Criminal Procedure Article 48.01, authorizes the Board to make a recommendation to governor for a pardon on or after the 10<sup>th</sup> anniversary date a person successfully completes the deferred adjudication community supervision and receives a discharge and dismissal.

If the board does not recommend or if the governor denies the offender a full pardon, the offender must wait two years from the date of the recommendation or denial to re-apply.

**DEFINITIONS:** Trial Officials – the sheriff, chief of police, prosecuting attorney and judge in the county and court of conviction and release.

**PROCEDURES:**

- I.** Application – Upon receipt of an application from a person, person’s attorney or a person acting on an offender’s behalf, the Board’s Clemency (Clemency) staff will create a clemency file.
  - A. A person may request a full pardon for one or more deferred adjudication community supervisions. The person must successfully complete the deferred adjudication community supervision and receive a discharge and dismissal. The person may request a full pardon on or after the 10<sup>th</sup> anniversary of the date of the discharge and dismissal.
  - B. If the person has arrests for other offenses, unrelated to the deferred adjudication community supervision, which did or did not result in a conviction, the board will review and consider those other arrests and/or convictions along with the successfully completed deferred adjudication community supervision.
  
- II.** Notebooks – Upon receipt of all the appropriate documents for all offenses, the Clemency staff will prepare a clemency notebook for the board members.
  - A. In addition to the signed application, the person must provide three letters of recommendation from non-family members as well as all court documents. An attorney may represent a person in this process but the person, not the attorney, must sign the application.
  - B. If an attorney represents a person in this process and the person was convicted and sentenced to a term of incarceration in the Texas Department of Criminal Correctional Institutions Division, the attorney must complete a fee affidavit as required by Government Code Section 508.084.
  - C. When the application is complete, the Clemency staff will send letters to the trial officials and victims, if appropriate, notifying them that the person submitted an application requesting a full pardon and soliciting their input.
  
- III.** Board Members’ Vote – The board members shall sign and date the voting sheet.
  - A. Upon a majority vote to recommend a full pardon, the Clemency staff shall send the case to the governor. The Clemency staff shall notify all trial officials as required by Government Code Section 508.115. The Clemency will also notify the applicant and TDCJ Victim Services. The notice shall be delivered by email or other electronic communication
  - B. If the Board votes not to recommend clemency or if the governor denies clemency, the Clemency staff shall notify the applicant, trial officials who submitted a response to the request for input, and TDCJ Victim Services.

- IV.** Each board member shall return their clemency notebook to the Clemency staff after they are notified of the Board's final decision.

**SIGNED THIS, THE 22nd DAY OF FEBRUARY, 2012.**

**RISSIE OWENS, PRESIDING OFFICER (CHAIR)**

---

*\*Signature on file.*