

*PENNSYLVANIA STATE ASSOCIATION OF
PROTHONOTARIES AND CLERKS OF COURTS*

**Pardons in PA:
The Court Clerks' Critical Role
in the Pennsylvania Pardon Process**

A Continuing Education Program
For Court Staff Responsible for Court Records

Tuesday, May 9, 2023 – 12:00 – 1:00pm

By Zoom: <https://us02web.zoom.us/j/89319434989>

Introduction and Welcome

Eric Feder

**President, Pennsylvania State Association of Prothonotaries and Clerks of Court
Deputy Court Administrator and Director of Judicial Records, First Judicial District**

<https://www.papcca.org>

Overview of the Pardon Process, and the Importance of Court Records

Shelley Watson

Secretary, Pennsylvania Board of Pardons

<https://www.bop.pa.gov>

Working Together: Clerks of Court and Pardon Projects – Forms and Processes

Tobey Oxholm

Director, The Pardon Project

<https://pardonmepa.org>

How It Helps and Why You Matter: Eliminating Confusion and Inspiring Hope

Rose Svonavec, Clerk of Courts

Megan Will, Esq., Solicitor

Court of Common Pleas, Somerset County

Pardon Project of Somerset County

<https://tableland.org/pardons>

Materials

as created for and distributed at

“Pardons and Prothys: The Court Clerks’ Role in the PA Pardon Process”

Annual Meeting of the PSAPCC, Canonsburg PA – June 2022

PENNSYLVANIA STATE ASSOCIATION OF THE PROTHONOTARIES AND CLERKS OF COURTS

Pardons and Prothys: The Court Clerks' Role in the PA Pardon Process

MATERIALS

County* indicates a document provided in WORD format

	<u>Page</u>
1. The Law	2
a. Origin of the PA Board of Pardons (PA Constitution)	
b. Requirement to solicit comment from Judges and District Attorneys	
c. Judicial Review of actions by the Board of Pardons	
d. Legal Effect of Pardon	
e. Implication for Expungement	
2. Notification to the Court [and DA] of the filing of a petition for clemency	3
3. Information on the Board of Pardons Website: www.bop.pa.gov	4
a. Requirement to obtain court documents from underlying convictions	
b. Paying Legal Financial Obligations (petitions to the Court)	

EXAMPLES

4. Policies and Procedures regarding the request for documents from the courts.....	6
Examples from Allegheny, Beaver* , and Lackawanna Counties	
5. Request for copies of underlying court records	9
Beaver ("defendant, volunteer, attorney" (circle one)))	
Allegheny ("volunteer attorney")	
Lackawanna* (non-attorney "Pardon Coach")	
Erie (non-attorney Pardon Coach)	
6. Applicant/Client Authorization to Release Records	13
To Attorney (Allegheny*)	
To Non-Attorney Pardon Coach (Beaver)	
Electronic (obtained over the web) (PLSE)	
7. Request packet from a "Pardon Hub" (community non-profit) participating in a County-wide Pardon Project: request and authorization (Lancaster CareerLinks)	16
8. Authorization for Release of Court Documents Under Seal (Philadelphia).....	18
9. Confirmation from the Court as to documents provided.....	19
"all that we have" (Philadelphia)	
specific document missing (Lackawanna)	
10. Administrative Order allowing copying and production by PDF/email of underlying court records (Delaware).....	21



The Pardon Project is an initiative of Philadelphia Lawyers for Social Equity

The Law Relating to Pardons

Constitution of the Commonwealth, Article IV (Executive)

§ 9. Pardoning power; Board of Pardons.

(a) In all criminal cases except impeachment the Governor shall have power to remit fines and forfeitures, to grant reprieves, commutation of sentences and pardons; but no pardon shall be granted, nor sentence commuted, except on the recommendation in writing of a majority of the Board of Pardons, and, in the case of a sentence of death or life imprisonment, on the unanimous recommendation in writing of the Board of Pardons, after full hearing in open session, upon due public notice. The recommendation, with the reasons therefor at length, shall be delivered to the Governor and a copy thereof shall be kept on file in the office of the Lieutenant Governor in a docket kept for that purpose.

(b) The Board of Pardons shall consist of the Lieutenant Governor who shall be chairman, the Attorney General and three members appointed by the Governor with the consent of a majority of the members elected to the Senate for terms of six years. The three members appointed by the Governor shall be residents of Pennsylvania. One shall be a crime victim, one a corrections expert and the third a doctor of medicine, psychiatrist or psychologist. The board shall keep records of its actions, which shall at all times be open for public inspection.

Notification to, and Solicitation of Input From, Courts and District Attorneys

37 Pa Code 81.226 Use of Application

(a) A copy of each application will be sent by the Board, to the court, to the district attorney of the country from which the applicant was sentenced, and to the correctional institution in which the applicant is confined to obtain expressions of opinions as to the merits of the application, ad to the Board of Probation and Parole for its investigation.

Judicial Review of Actions or Decisions of the Board of Pardons

Courts cannot “imping upon the exclusive jurisdiction of the executive branch in showing clemency.... Action by the Board of Pardons is in accordance with constitutional provisions and in no way comes under the aegis of the courts.” *Commonwealth ex rel. Cater v. Myers*, 194 A.2d 185, 187 (Pa. 1963).

“Courts cannot compel a board clothed with discretionary powers to exercise its discretion in a particular way.” *Narcise v. Bd. of Trs., E. State Penitentiary*, 9 A.2d 165, 168 (Pa. Super. 1939).

Legal Effect of a Pardon:

“[A pardon is] the exercise of the sovereign's prerogative of mercy. It completely frees the offender from the control of the state. It not only exempts him from further punishment but relieves him from all the legal disabilities resulting from his conviction. It blots out the very existence of his guilt, so that, in the eye of the law, he is thereafter as innocent as if he had never committed the offense.”

Commonwealth ex rel. Banks v. Cain, 345 Pa. 581, 585-5, 28 A.2d 897, 899 (1942)

Effect on/Relationship to Expungement:

“There is no way that the state can retain the record of a former criminal who is ‘as innocent as if he had never committed the offense.’ A pardon without expungement is not a pardon. Accordingly, we reverse the Order of Superior Court and remand to the Court of Common Pleas for entry of an order expunging appellant's criminal record.” *Com. v. C.S.*, 517 Pa. 89, 92-93. 534 A.2d 1953 (Pa.1987)

BOP notification to the Judiciary of the filing of an Application for Clemency

37 Pa Code 81.226 Use of Application

(a) A copy of each application will be sent by the Board, to the court, to the district attorney of the country from which the applicant was sentenced, and to the correctional institution in which the applicant is confined to obtain expressions of opinions as to the merits of the application, ad to the Board of Probation and Parole for its investigation.

Honorable
Judge
Court of Common Pleas of County

RE:

Board of Pardons Number:

Application Number:

Dear Judge :

This letter is to inform you that the Board of Pardons has filed the enclosed clemency application.

Pursuant to 37 Pa. Code Section 81.226 (a), the Board is required to send the court a copy of the application to obtain expressions of opinion as to the merits of the application. Your comments are valued by the Board and will potentially affect two decisions it makes: whether to grant the applicant a public hearing, and if so, whether to recommend to the Governor that the application be granted.







Thank you in advance for your cooperation in this matter.

Respectfully,

Brandon Flood
Secretary
Board of Pardons

Avoid Rejection!

Applications for Clemency will **NOT** be accepted without the required court documents. *Please Note: The docket sheets that can be obtained on-line are **NOT** the court documents.* Although court documents vary in appearance based on the county and age, below are some examples of what *must* be submitted with the application.

-  [Criminal Complaint](#)
-  [Affidavit of Probable Cause](#)
-  [Criminal Information](#)
-  [Plea or Verdict](#)
-  [Sentencing Order](#)
-  [Proof of Payment](#)

From the Instructions for the Application for Clemency:

BE ADVISED!

A copy of the court docket sheet is not an acceptable substitute for the required documents, except for proof of payment of financial obligations or outstanding balances. If the documents are not available, you **must** provide a letter from the Clerk of Courts stating that they are unavailable.

If your case was handled by a Magisterial District Judge and it has been more than seven years since you were sentenced, you are not required to obtain court documents as they have been destroyed.

Legal Financial Obligations

If you presently have any outstanding legal financial obligations, which may include but not be limited to **finances, court costs, supervision fees, and restitution**, you are strongly encouraged to satisfy these prior to applying for executive clemency. **Failure to do so may result in application processing delays or an adverse decision on your application from the Board.**

There are several ways that legal financial obligations can be resolved to the Board's satisfaction. They are as follows:

- You can pay the outstanding monetary balance in full.
- You can set up a payment plan for the purpose of incrementally paying down your total fines and costs.
- **You can petition either the court (court of common pleas or the magisterial district court) or the district attorney in the county that you were convicted in to waive your legal financial obligations (not including restitution). It is also important to note that these entities can also impose community service in lieu of monetary payment.** Please contact the court or the district attorney's office directly for additional information.

[highlighting added]

Example (the original!): Policy and Procedures for Requesting Underlying Court Documents

Allegheny County – Director, Department of Judicial Records, Mike McGeever



Allegheny County Pardon Project Policies and Procedures

It is the policy of the Department of Court Records (DCR) Criminal Division to process all legitimate requests from all qualified parties for court documents related to this project.

Initial requests must be received by email and must include a consent for release.

The request should be sent to: DCRPardonProject@AlleghenyCounty.us

A requesting attorney representing the client Pro Bono, must also indicate that the client qualifies for IFP status (In Forma Pauperis refers to the ability of an indigent person to proceed in court without payment of the costs and/or fees associated with this process) for the DCR to waive any costs associated with this request, that is, that the client's household income is 200% or less of the HHS Poverty Guidelines (<https://aspe.hhs.gov/poverty-guidelines>).

Pursuant to Administrative Order _____, requests may also be submitted by an organization that is registered with the Court as participating in the Pardon Project of Allegheny County. Organizations seeking to participate in the Pardon Project should contact the Office of the Public Defender at _____.

Once the defendant's name and docket number are verified, the DCR will begin to process the request.

All cases after 2001 are available at the DCR, however cases prior to 2001 will require additional time to retrieve from storage.

Once the necessary records are compiled, the DCR will email the requesting party the information in a PDF format.

The Allegheny County DCR Criminal Division will make every attempt to provide these documents in a timely fashion.

Example – Policy and Procedure [WORD]
Beaver County – Judy Enslen, Clerk of Courts



BEAVER COUNTY PARDON PROJECT POLICIES AND PROCEDURES

It is the policy of the Beaver County Clerk of Courts Office to process all legitimate requests from all qualified parties for court documents related to this project.

Initial requests must be received by email and must include a consent for release.

The request should be sent to: jenslen@beavercountypa.gov

A requesting attorney representing the client Pro Bono, must also indicate that the client qualifies for IFP status (In Forma Pauperis refers to the ability of an indigent person to proceed in court without payment of the costs and/or fees associated with this process) and is required to provide an attestation of the indigency status, at the time of filing, for the Clerk of Courts Office to waive any costs associated with this request, that is, that the client's household income is 200% or less of the HHS Poverty Guidelines (<https://aspe.hhs.gov/poverty-guidelines>).

Requests may also be submitted by an organization that is registered with the Court as participating in the Pardon Project of Beaver County. Organizations seeking to participate in the Pardon Project should contact the District Attorney's Office at_____.

Once the defendant's name and docket number are verified, the Clerk of Courts Office will begin to process the request.

All cases after 2003 are available at the Clerk of Courts Office, however cases prior to 2003 will require additional time to retrieve from storage, or microfilm.

Once the necessary records are compiled, the Clerk of Courts will email the requesting party information in a PDF format.

The Beaver County Clerk of Courts will make every attempt to provide these documents in a timely fashion.

Judy R. Enslen, Clerk of Courts
Beaver County Courthouse
810 Third Street
Beaver, PA 15009

Phone: 724-770-4592 * Fax: 724-728-8853 * jenslen@beavercountypa.gov

Example: Policy and Procedure – Lackawanna County – Clerk of Court, Mauri Kelly



Lackawanna County Pardon Project Policies and Procedures

It is the policy of the Clerk of Judicial Records Criminal Division to process all legitimate requests from all qualified parties for court documents related to this project.

Initial requests must be received by email or dropped off in person at the court house. All requests must include a consent for release.

The request should be sent to: kellym@lackawannacounty.org

A requesting attorney representing the client Pro Bono, must also indicate that the client qualifies for IFP status (In Forma Pauperis refers to the ability of an indigent person to proceed in court without payment of the costs and/or fees associated with this process) for the Clerk of Judicial Records to waive any costs associated with this request, that is, that the client's household gross income does not exceed 125% of Federal Poverty Guidelines (<https://aspe.hhs.gov/poverty-y-guidelines>).

Requests may also be submitted by an organization that is approved with the Court as participating in the Pardon Project of Lackawanna County. Organizations seeking to participate in the Pardon Project should contact Lackawanna Pro Bono.

Once the defendant's name and docket number are verified, the Clerk of Judicial Records will begin to process the request.

Depending on the age of the case, some records may require additional time to retrieve from storage.

Once the necessary records are compiled, the Clerk of Judicial Records will email the requesting party the information in a PDF format, or will have the documents ready for pick up at their office.

The Lackawanna County Clerk of Judicial Records Criminal Division will make every attempt to provide these documents in a timely fashion.

**Example: Request for underlying court documents from
“defendant/volunteer/attorney” –
Erie County - Clerk of Courts, Judy Enslen**

REQUEST FOR DOCUMENTS REQUIRED FOR A PARDON APPLICATION

**This form is to be completed by the attorney or approved organization*

To: Beaver County Clerk of Courts

I am a defendant/volunteer/attorney with(circle one) _____ who works with clients who meet the HHS Poverty Guidelines (<https://aspe.hhs.gov/poverty-guidelines>) and in addition meet the qualifications to proceed in forma pauperis. We are assisting the following individual Pro Bono in applying for a pardon:

Name of Defendant/Client: _____

Current Address: _____

The PA Board of Pardons (www.bop.pa.gov) requires that the following documents be attached for every case in which an applicant was convicted and is seeking clemency:

- Criminal Complaint
- Affidavit of Probable Cause
- Criminal Information/Indictment
- Final Plea or Verdict
- Sentencing Order
- Proof of Payment of Fines, Costs and/or Restitution

TO: CLERK OF COURTS: If the Court does not have all of the above records, please include (in an email or letter) that what you are provided is all you have. Please be sure to include your name, title, and telephone number in your communication, so that the Board may contact you, if necessary.

On behalf of the above defendant, kindly email us a PDF of the above documents for the following case(s). Please combine all five (5) documents into a single PDF file, each case separately): To obtain the Common Pleas case number(s) visit: ujsportal.pacourts.us

Docket #	OTN	Name of Defendant
_____	_____	_____
_____	_____	_____

I am also providing a copy of the client's signed authorization to release this information to anyone working for my organization. Further I attest to the client's eligibility under the HHS Poverty Guidelines.

Please email these records to: _____

Name: _____ Attorney ID# _____

Signature: _____

Once this form is completed, please email to: jenslen@beavercountypa.gov

Example of Document Request from a volunteer attorney Allegheny County – Mike McGeever



REQUEST FOR DOCUMENTS REQUIRED FOR A PARDON APPLICATION

**This form is to be completed by the attorney*

To: Allegheny County Department of Court Records, Criminal Division

I am a volunteer attorney with _____ who works with clients who meet the HHS Poverty Guidelines (<https://aspe.hhs.gov/poverty-guidelines>) and in addition meet the qualifications to proceed in forma pauperis. We are assisting the following individual Pro Bono in applying for a pardon:

Name of Defendant/Client: _____

Current Address: _____

The PA Board of Pardons (www.bop.pa.gov) requires that the following documents be attached for every case in which an applicant was convicted and is seeking clemency:

- Criminal Complaint
- Affidavit of Probable Cause
- Criminal Information/Indictment
- Final Plea or Verdict
- Sentencing Order
- Proof of Payment of Fines, Costs and/or Restitution

If the Court does not have all the above records, please include (in an email or letter) that what you are providing is all you have. Please be sure to include your name, title, and telephone number in your communication, so that the Board may contact you, if necessary.

On behalf of the above defendant, kindly email us a PDF of the above documents for the following case(s) (Please combine all five (5) documents into a single PDF file, each case separately):

<u>Docket #</u>	<u>OTN</u>	<u>Name of Defendant</u>
-----------------	------------	--------------------------

I am also providing a copy of the clients signed authorization to release this information to anyone working for my organization.

Please email these records to: _____

Name: _____ Attorney ID#: _____

Signature: _____

Once this form is completed, please email to: DCRPardonProject@AlleghenyCounty.US

MICHAEL MCGEEVER, DIRECTOR
DEPARTMENT OF COURT RECORDS, CRIMINAL DIVISION
114 COURTHOUSE • 436 GRANT STREET • PITTSBURGH, PA 15219
PHONE (412) 350-5323 • FAX (412) 350-7111 • CRIMINAL@ALLEGHENYCOUNTY.US

**Example: Request for underlying criminal records from a “Pardon Hub” – WORD
-- a community-based non-profit working with a county Pardon Project
Lackawanna County – Clerk of Court, Mauri Kelly**



REQUEST FOR DOCUMENTS REQUIRED FOR A PARDON APPLICATION

DATE:

TO: Lackawanna County Clerk of Judicial Records, Criminal Division

I am a volunteer with _____, an organization that, has been approved by the Clerk of Judicial Records as being part of the Pardon Project of Lackawanna County. We are assisting the following individual Pro Bono in applying for a pardon:

Name of Defendant/Client: _____

Current Address: _____

The PA Board of Pardons (www.bop.pa.gov) requires that the following documents be attached for every case in which an applicant was convicted and is seeking clemency:

- Criminal Complaint
- Affidavit of Probable Cause
- Criminal Information/Indictment
- Final Plea or Verdict
- Sentencing Order

If the Court does not have all the above records, please include (in an email or letter) that what you are providing is all you have. Please be sure to include your name, title, and telephone number in your communication, so that the Board may contact you, if necessary.

On behalf of the above defendant, kindly email us a PDF of the above documents or prepare for pick up the following case(s) (Please combine all five (5) documents into a single PDF file, each case separately):

Docket #

OTN

Name of Defendant

I am also providing a copy of the defendant's signed authorization to release this information to anyone working for my organization.

Please email or contact agency for pick up:

Name: _____ Signature: _____

Phone: _____ Email: _____

**Example: Request for underlying criminal records from a “Pardon Coach” –
Erie County – First Deputy Clerk of Courts, Aubrea Hagerty-Haynes**



Kenneth J. Gamble, Esquire
Clerk of Records

Office of Clerk of Courts

Erie County Courthouse • 140 West Sixth Street • Erie Pennsylvania 16501 • 814 / 451-6221

REQUEST FOR DOCUMENTS REQUIRED FOR A PARDON APPLICATION

**This form is to be completed by the Pardon Project Volunteer/Coach*

To: *Erie County Clerk of Courts*

Date: _____

I am a volunteer with _____, an organization that has been approved as being part of the Pardon Project of Erie County. We are assisting the following individual Pro Bono in applying for a pardon:

Name of Defendant/Client: _____

Current Address: _____

The PA Board of Pardons (www.bop.pa.gov) requires that the following documents be attached for every case in which an applicant was convicted and is seeking clemency:

- Criminal Complaint
- Affidavit of Probable Cause
- Criminal Information/Indictment
- Final Plea or Verdict
- Sentencing Order
- Proof of Payment of Fines, Costs and/or Restitution

If the Court does not have all the above records, please include (in an email or letter) that what you are providing is all you have. Please be sure to include your name, title, and telephone number in your communication, so that the Board may contact you, if necessary.

On behalf of the above defendant, kindly email us a PDF of the above documents for the following case(s) (Please combine all five (5) documents into a single PDF file, each case separately):

Docket # _____ OTN _____ Name of Defendant _____

I am also providing a copy of the defendant's signed authorization to release this information to anyone working for my organization.

Please email these records to:

Name: _____ Signature: _____

Once this form is completed, please email to: Ahaynes@eriecountypa.gov OR ClerksRequests@eriecountypa.gov

Aubrea Hagerty-Haynes, First Deputy Clerk of Courts
Erie County Clerk of Courts
140 West Sixth Street • Room 103 • Erie, PA 16501
Phone (814) 451-6421 • Fax (814) 451-6492 • ahaynes@eriecountypa.gov

**Example: Authorization for release of underlying criminal records - attorney
Allegheny County [WORD]**

**AUTHORIZATION FOR RELEASE OF COURT FILES FOR PENNSYLVANIA PARDON APPLICATION
TO THE ALLEGHENY COUNTY COURT OF COMMON PLEAS, 5TH JUDICIAL DISTRICT
ALLEGHENY COUNTY DEPARTMENT OF COURT RECORDS CRIMINAL DIVISION**

**This form is to be completed by the client/defendant*

I, _____, hereby grant permission for my attorney,
_____, to request and obtain copies of my court
files for purposes of submitting a pardon application to the Pennsylvania Board of Pardons. The
requested case document should include the following:

- Criminal Complaint
- Affidavit of Probable Cause
- Criminal Information/Indictment
- Final Plea or Verdict
- Sentencing Order
- Proof of Payment of Fines, Costs and/or Restitution

This release shall remain in effect until revoked by me or my attorney.

Signature

Date

Example: Authorization for Release of Court Records to a non-attorney “Pardon Coach” working with a “Pardon Hub”
Beaver County

**AUTHORIZATION FOR RELEASE OF COURT FILES FOR PENNSYLVANIA PARDON
APPLICATION TO THE BEAVER COUNTY COURT OF COMMON PLEAS, 36TH JUDICIAL
DISTRICT
BEAVER COUNTY CLERK OF COURTS OFFICE**

**This form is to be completed by the client/defendant*

I, {print name} _____, hereby grant
permission for my Pardon Coach, _____ of
{name of Organization} _____

To request and obtain copies of my court files at case number (s):

for purposes of submitting a pardon application to the Pennsylvania Board of Pardons. The requested case documents should include the following:

- Criminal Complaint
- Affidavit of Probable Cause
- Criminal Information/Indictment
- Final Plea or Verdict
- Sentencing Order
- Proof of Payment of Fines, Costs and/or Restitution

To obtain Common Pleas case numbers visit: ujsportal.pacourts.us

This release shall remain in effect for thirty days only, but shall apply to any **REQUEST FOR DOCUMENTS REQUIRED FOR A PARDON APPLICATION** dated within thirty days hereof, whenever submitted to or provided by the Court.

Signature

Date

**Example: Electronically Signed Authorization for Release of Court Records
Used in counties outside of Philadelphia by
Philadelphia Lawyers for Social Equity (Philadelphia)**

10/21/2020

FormAssembly.com : Esignatures

Response in E-Signature Record

In order to complete the process of becoming a client of PLSE, we need you to complete this page. Thank you.

First NameLast NameDate of BirthSSN (last 4 digits)

Dontest Test22 3/1/1980 1111

By checking this box below, I am giving my permission and authorization to PLSE (its staff and volunteers) to obtain from any court, in any county, any and all criminal history record information relating to me, whether public, secure, sealed, subject to limited disclosure, or otherwise, and to maintain and use them as they think necessary to expunge (erase) what they can of my criminal record and/or to apply for a pardon from the Governor.

- I accept

After you Submit this form it will ask for your electronic signature to confirm this Authorization

If, based on your identifying information, we cannot find you in our records, submitting this form (along with the required e-signature that follows) will then display an *error message*. In that case you should just contact PLSE directly at **267-546-5323** or via email **info@plsephilly.org**

Your Signature



SIGNATURE



INITIALS

Dontest Test22

NAME

DBT

INITIALS

2020-10-10 15:17:51

DATETIME (UTC)

EXAMPLE: Request for Underlying Court Records from a "Pardon Hub" and Release (next page)
-- used by CareerLink: a non-profit in the community (workforce development)
Lancaster County



By email to: _____

By email from: *Cmahrer@jobs4lancaster.com*

Request for Copies of Documents for Use in Application for Clemency

To the Clerk of Court, Lancaster County, PA

I am the Re-Entry Program Manager with CareerLink's Pardon Project, which only accepts as clients individuals struggling to find employment. We are assisting the following individual pro-bono in applying for a pardon:

Name of Defendant: _____ DOB _____

Current Address: _____

The PA Board of Pardons (www.bop.pa.gov) requires that the following five documents be attached for every case in which an applicant was convicted and is seeking clemency:

- o Criminal Complaint
- o Affidavit of Probable Cause
- o Criminal Information/Indictment
- o Final Plea or Verdict
- o Sentencing Order
- o CPCMS 1304- Participant Payment Summary

If the Court does not have all the above, please include (in a cover email or letter) that what you are providing is all that you have. Please also be sure to include your name, title, and telephone number in your communication, so that the Board may contact you, if necessary.

On behalf of the above defendant, kindly email us a PDF of the above documents in the following case(s) (all 5 documents in a single PDF, each case separately, please!):

Docket No. _____ OTN _____ Name of Defendant _____

Please email these records to me at *Cmahrer@jobs4lancaster.com*. If you have any questions, please call me at (717) 925-0916 (cell). THANK YOU SINCERELY!

AUTHORIZATION TO RELEASE CRIMINAL COURT RECORDS AND INFORMATION

To the Clerk of Court,

I am being represented by a volunteer with the CareerLink Pardon Project relating to clearing of criminal records by expungement(s), sealing(s), and/or pardon. I am receiving free legal services because my household income is at or below 125% of the Federal Poverty Guideline, and I am being represented free of charge.

I hereby authorize any court in any county to release to any Pardon Project representative any and all information, documents, records and summaries relating to any and all criminal court cases/dockets in which I am or was named as a defendant in your county. I intend for this authorization to be all-inclusive, and for that reason it specifically includes (but is not limited to) sealed or limited access information that would be covered by the "Clean Slate Act" or Act 56 of 2018. I also intend that a copy of this authorization be as effective as an original, and that it be used in as many courts as it is needed. This permission will expire one year from the date below.

Defendant/Authorizing Party:

Name [Print] _____
Signature _____
Date _____

Example: Authorization for Release of Court Documents Under Seal Philadelphia County

AUTHORIZATION FOR RELEASE OF LIMITED ACCESS INFORMATION

DEFENDANT'S FIRST NAME	MIDDLE NAME	LAST NAME	DATE OF BIRTH
DEFENDANT'S CURRENT ADDRESS			EMAIL ADDRESS
CITY:	STATE:	ZIP CODE:	
PHONE NUMBER	SID (IF KNOWN)	PID (IF KNOWN)	SOCIAL SECURITY NUMBER
LIST ANY KNOWN CASE NUMBERS AND ANY ALIASES USED			
<p>I hereby authorize the First Judicial District of Pennsylvania to RELEASE to the Law Firm and/or attorney identified below whom I have retained to represent me, copies of my complete Limited Access Court Summary and Limited Access dockets for any and all cases in which I am a defendant, including but not limited to Juvenile Court information and information covered by "Clean Slate" or Act 55 which are necessary for the filing of</p> <p><input type="checkbox"/> Expungement Petition <input type="checkbox"/> Petition for Clemency/Pardon <input type="checkbox"/> Other</p> <p>I verify that the statements made herein are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. §4904 relating to unsworn falsification to authorities.</p> <p>_____ SIGNATURE OF DEFENDANT</p> <p style="text-align: right;">DATE _____</p>			
ATTORNEY INFORMATION			
<p>I have been retained by the above-named person to represent them in connection with an arrest and/or conviction in Philadelphia County of an offense which is subject to Limited Sealing due to the provisions of the Clean Slate Act. The above-named person does not have the information regarding the arrest or conviction which is necessary for the filing of an expungement petition or a petition for clemency. As noted above, I or my Law Firm have been authorized to obtain the Limited Access Docket and Court Summary which will provide sufficient information regarding the offense to enable me to enter an appearance for the above individual for the purposes set forth above, and to thereafter obtain any additional necessary information.</p>			
LAW FIRM NAME			
ATTORNEY'S FIRST NAME	ATTORNEY'S MIDDLE NAME	ATTORNEY'S LAST NAME	PA SUPREME COURT ID NO.
ATTORNEY'S EMAIL ADDRESS:			PHONE NO.
LAW FIRM-ATTORNEY'S ADDRESS			
CITY	STATE	ZIP CODE	
<p>I verify that the statements made herein are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. §4904 relating to unsworn falsification to authorities.</p> <p>_____ SIGNATURE OF ATTORNEY</p> <p style="text-align: right;">DATE _____</p>			
FOR COURT USE ONLY			

Example: Court confirmation of document production (“all that we have”)



FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
TRIAL DIVISION – CRIMINAL
OFFICE OF JUDICIAL RECORDS
Juanita Kidd Stout Center for Criminal Justice
1301 Filbert Street, Room 310
Philadelphia, PA 19107
215-683-7700
(215) 683-7713 (Fax)

Eric Feder
Deputy Court Administrator
Director, Office of Judicial Records

Elaine Q. Ratliff, Deputy Director
Anjeza Keirstead, Deputy Director
Marc Gaillard, Deputy Director

To whom it may concern:

You have requested a copy of the Criminal Complaint, Affidavit of Probable Cause, Criminal Information/
Indictment, Final Plea or Verdict, and Sentencing Order for each of the below cases in connection with a Petition of
Clemency/Pardon for John Johnson

CP-51-CR-0105941-1995	
CP-51-CR-0121121-1993	

We have reviewed our records and the documents we are attaching is all that we have in our files in this Office for
the above cases.

Sincerely,

Marc E. Gaillard
Deputy Director, Office of Judicial Records

Example: Court confirmation of document missing from production



Kenneth J. Gamble, Esquire
Clerk of Records

Office of Clerk of Courts

Erie County Courthouse • 140 West Sixth Street • Erie Pennsylvania 16501 • 814 / 451-6221

Re: Commonwealth vs.
Erie County Docket CR

Please be advised there was no ***“affidavit of probable cause”*** filed for the above case. We have provided copies of all other required documents to proceed with a pardon.

Please be advised that the above case was a “M3 Plea” and our office has very limited paperwork. We have provided the entire file, but be aware that there was no Criminal Information, Plea/Verdict Slips, or a Sentencing Order filed in the above case. However, there is a “M3 Plea Sentencing Sheet” which provides the disposition and sentence for the case.

Please be advised that our office was not able to provide the following required documents regarding the above-noted case:

Criminal Complaint
Affidavit of Probable Cause
Criminal Information
Plea or Verdict
Sentencing Order
Proof of Payment

Should you have any questions, feel free to contact the office.

Sincerely,

Aubrea Haynes
First Deputy Clerk of Courts
814-451-6421

Example of Administrative Order allowing copying and production of underlying court records via email and without cost

Delaware County – *the first to issue such an Order!*

IN THE COURT OF COMMON PLEAS OF DELAWARE COUNTY, PENNSYLVANIA

IN RE: PHILADELPHIA LAWYERS FOR	:	NO. 5120-17
SOCIAL EQUITY – PARDON PROJECT	:	
	:	
<i>Waiver of Copying Costs</i>	:	
	:	
	:	

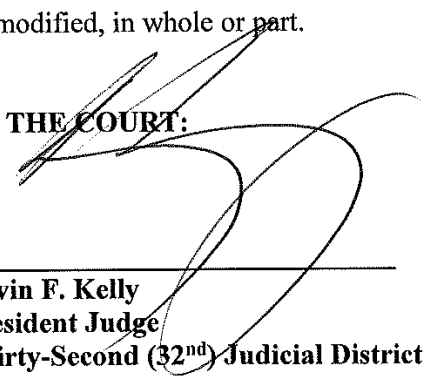
PRESIDENT JUDGE ADMINISTRATIVE ORDER

AND NOW, this 3rd day of September, 2020, upon consideration of the Philadelphia Lawyers for Social Equity – Pardon Project’s request for a standing copying cost waiver determination regarding those clients for whom it files such applications with the Pennsylvania Board of Pardons,¹ it is hereby **ORDERED** and **DECREED** that the instant request is **GRANTED**² and resultantly, the Philadelphia Lawyers for Social Equity – Pardon Project and/or its of-record clients pursuing such applications before the Pennsylvania Board of Pardons **SHALL** be **PERMITTED** the setting aside of copying costs as the Director of the Delaware County Judicial Support Office believes in her or his discretion to be appropriate.³

Philadelphia Lawyers for Social Equity – Pardon Project **SHALL** inform this court **PROMPTLY** in the event its representational requisites hereafter change allowing for higher income-based clients.

That directed above as subsequent material circumstances warrant and/or it is otherwise believed appropriate may be revisited by this court and modified, in whole or part.

BY THE COURT:



Kevin F. Kelly
President Judge
Thirty-Second (32nd) Judicial District

¹ This application by the Philadelphia Lawyers for Social Equity – Pardon Project was advanced in the form of a letter dated August 21, 2020, addressed to the Delaware County Judicial Support Office Director, Mary J. Walk, Esquire. (A copy of this correspondence is attached and by referenced wholly incorporated.)

² This court as part its deliberative processes consulted with the Delaware County Judicial Support Office Director, Mary J. Walk, Esquire, and Mrs. Walk voiced her agreement to this standing cost waiver order for the Philadelphia Lawyers for Social Equity – Pardon Project and/or its of-record clients making such applications to the Pennsylvania Board of Pardons.

³ While it is anticipated that for the majority of the Philadelphia Lawyers for Social Equity – Pardon Project’s court documents copying requests such costs will be waived, there may be in particular such a request where the time commitment of involved judicial support office personnel is of a nature and/or the materials duplicated voluminous that the office’s director does not believe it otherwise appropriate to set aside those attendant costs.



Carl (Tobey) Oxholm III
Executive Director
Director, Pardon Project
oxholm@plsephilly.org | 215.783.2329 (cell)

By email

August 21, 2020

Mary Walk, Esquire, Director
Office of Judicial Support
Court of Common Pleas, Delaware County
201 West Front Street, Media PA 19063

Dear Ms. Walk:

I am writing to request the Court's assistance in obtaining documents for our low-income clients that the Pennsylvania Board of Pardons requires be attached to applications for pardons. In particular, we are hoping that the Court will waive the costs of obtaining copies of those documents, and that it share the records with us via email. This idea was first raised by our volunteer, Mary Wachterhauser, Esquire, with Susan in the Criminal Records Department, and Susan suggested we raise the question with you.

PLSE is a Pennsylvania not-for-profit corporation that provides advice and representation about criminal history records, expungements and pardons. The clients we represent must have household incomes of 200% or less of the federal poverty line. Because of this requirement, for at least five years, the Philadelphia Court of Common Pleas has automatically granted *in forma pauperis* status to all PLSE clients. Our clients either live in Philadelphia or have criminal records in Philadelphia. A small percentage of them, though, also have convictions in Delaware county, which is the reason for this request.

In 2018 we started our Pardon Project, helping low-income people apply for pardons. The Board of Pardons requires that every request for a pardon include the following documents for each case in which a pardon is requested: Criminal Complaint, Affidavit of Probable Cause, Criminal Information/Indictment, Final Plea or Verdict, Sentencing Order, and Current Status/Proof of Payment of Financial Obligations (fines, costs, restitution, supervision fees). As appears in the Notice on the Board's website, www.bop.pa.gov, it will not accept an application without these documents. If the court does not have any of these documents, the Board accepts a letter from the court saying so. Certified copies are not required.

Covid-19 has caused us all to rethink how we conduct our operations, and we are all trying to minimize potential exposure. While we once used volunteers to go to courts and get records, we are now asking that we be allowed to obtain electronic copies. The Board of Pardons has agreed to accept them.

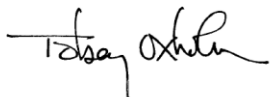
Recipient of the Barra Award as an Exemplary Non-Profit
1501 Cherry Street, Philadelphia PA 19102 ▲ www.plsephilly.org

I am writing to ask if your Court would agree to accept requests from PLSE (via employees or volunteers) for electronic copies of the required documents, and to provide them via email without charge.

Since our Pardon Project is new, it's not possible for us to give you an estimate of how many clients, or cases, would be involved – the vast majority of our clients do not have criminal records in Delaware County – and so I appreciate that any approval you would give to this initiative would be subject to monitoring, review and modification (or cancellation) at the sole option of the Court.

I thank you, and the Court, for your kind consideration of this request. Please contact me, by email or cell, if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Carl Oxholm III". The signature is fluid and cursive, with a horizontal line extending from the start.

Carl (Tobey) Oxholm III
PA Attorney No. 30137

Cc: Mary Wachterhauser, Esquire



**Recipient, 2021 Greater Philadelphia Innovation Award
for Community Development / Human Services**
111 South 38th Street, Philadelphia PA 19102 ▲ www.plsephilly.org
info@plsephilly.org