

State Clemency Resources

Which form(s) of clemency does the state offer?

A pardon by the Governor of the West Virginia serves only to eliminate or reduce the punishment, including fines, imposed by a West Virginia Court. A governor's pardon cannot expunge or otherwise eliminate a finding of guilty or the resulting record of conviction.

Decisionmaker

Upon completion of the written report, the Parole Board makes a recommendation to the Governor regarding the request for pardon or other clemency. The power to grant a pardon remains within the absolute discretion of the Governor.

Resources:

[paroleboard.wv.gov/
executiveclemency/pages/
guidelines.aspx](http://paroleboard.wv.gov/executiveclemency/pages/guidelines.aspx)

Constitutional and statutory authority

- **Constitutional Authority:**
W. Va. Const. art 7, § 11
- **Statutory Authority:**
W. Va. Code § 5-1-16(l) and (m)

Eligibility Criteria

For those persons found guilty of a criminal offense, expungement cannot occur until two years after a pardon has been issued, or until twenty years after the discharge of his or her sentence upon the conviction for which he or she was pardoned. In addition, there are certain crimes for which expungement cannot be granted at any time. Therefore, except in unusual circumstances, a governor's pardon is available only to individuals incarcerated on the proposed date of pardon or to individuals on probation or parole on the proposed date of pardon. More listed criteria:

paroleboard.wv.gov/executiveclemency/pages/guidelines.aspx

Application Process

The Governor's office forwards the application for Executive Clemency to the West Virginia Parole Board. The Parole Board then compiles a written report using the following factors; circumstance of the crime, criminal history, employment and educational history, drug and/or alcohol use, institutional conduct, institutional work history, (if applicable), public and official sentiment. Upon completion of the written report, the Parole Board makes a recommendation to the Governor regarding the request for pardon or other clemency.

In order to apply for Executive Clemency, the applicant has to contact the Governor's office at 304-558-2000 and request the application for Executive Clemency be sent to him/her.

Upon completion of the application, the applicant will return the application to the Governor's office.