

Template 1: NOTICE OF WRONGFUL CONTINUED IMPRISONMENT

IN THE [Court Name]

Case No. (_____)

[Petitioner's Name],

in pro per (must be put under name, which means defending self, needs to be under every paper filed)

Petitioner,

v.

[Warden Name]

Respondent.

NOTICE OF WRONGFUL CONTINUED IMPRISONMENT FOLLOWING EXECUTIVE COMMUTATION

Comes now the Petitioner, and respectfully states:

I. INTRODUCTION

1. Petitioner is currently confined at _____.

2. On _____, the Governor/President granted Petitioner's Executive Commutation.

3. A true and correct copy of the Executive Order is attached as Exhibit A.

4. The commutation became effective on _____.

5. Despite the Executive Order, Petitioner remains incarcerated.

II. FACTS

6. Petitioner's original sentence was:

7. The Executive Order modified the sentence as follows:

8. The Department of Corrections has failed and/or refused to execute the Executive Order.

9. Petitioner has repeatedly requested sentence computation and immediate implementation.

10. Those requests have been ignored and/or denied.

III. VIOLATION OF LAW

The continued imprisonment violates:

* Executive Clemency Order

- * State Constitution
- * United States Constitution
- * Due Process Clause
- * Eighth Amendment
- * Fourteenth Amendment
- * Separation of Powers

because prison officials possess no authority to disregard or alter an Executive Clemency Order.

IV. INJURY

Petitioner continues to suffer:

- * unlawful imprisonment
- * loss of liberty
- * emotional distress
- * constitutional injury

for every day confinement continues after the commutation became effective.

V. REQUEST FOR RELIEF

Petitioner respectfully requests this Court:

1. Declare Petitioner's continued imprisonment unlawful.
2. Order immediate implementation of the Executive Commutation.
3. Order immediate release if no lawful basis for confinement exists.
4. Award any additional relief deemed just and proper.

Respectfully submitted,

(Petitioner Signature)

Date: _____

Include and Mark these EXHIBITS

Exhibit A — Executive Commutation Order

Exhibit B — Sentence Computation

Exhibit C — Administrative Requests

Exhibit D — Grievances

Exhibit E — Responses from DOC

Exhibit F — Time Calculation