

**Sentence Commutation – Training Materials – posted at  
<http://www.fd.org/navigation/select-topics-in-criminal-defense/sentencing-resources/subsections/clemency>**

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**Instructions for Every Case**

- **[Overall Instructions for Federal Defenders: How to Determine Whether an Applicant Meets the Criteria, What Is Required in a Clemency Package](#)** (cited in other memos as "Overall Instructions") – a different memo for *pro bono* lawyers should be available from Clemency Project 2014
- **[Necessary Documents and How to Obtain Them](#)** – a different memo for *pro bono* lawyers should be available from Clemency Project 2014
- **[Reading, Interpreting and Using BOP Records](#)**
- **[When Conflicts May Arise for Federal Defenders](#)** – a different memo regarding ethical considerations for *pro bono* lawyers should be available from Clemency Project 2014

**Special Instructions for Clemency Package**

- **[How to Answer Question 5 on the OPA Form Petition](#)**
- **[Release Preparation](#)**
- **[Re-Entry Questionnaire](#)**
- **[FJC Reentry Court Information and Contact List](#)**

**Special Instructions for Time Served Requirement**

- **[The Interaction of Federal and State Sentences](#)**
- **[Good Time Chart](#)**

**Special Instructions for Non-Violent Offender/History of Violence**

- **[Was the Client a Non-Violent Offender? Does She Have Any History of Violence?](#)**

**Special Instructions for Determining Whether the Sentence Would be Lower Today**

*All Cases*

- **[Ameliorating Amendments to U.S. Sentencing Guidelines](#)**
- **[Calculating the Guideline Range Then and Now](#)**
- **[How the Supreme Court's Decisions Rendering the Guidelines Advisory Would Result in a Lower Sentence Today](#)**
- **[Mistakes and Oversights Not Caught at the Time and Never Corrected](#)**
- **[The Interaction of Federal and State Sentences](#)**
- **[Pending and Possible Court Challenges: Appeals, Habeas Petitions, § 3582\(c\)\(2\) Motions](#)**

*Drug Cases*

- **[How a Sentence for a Drug Offender May be Lower if Imposed Today](#)**
- **[How a Person Whose Sentence Was Previously Enhanced Based on a "Felony Drug Offense" under 21 U.S.C. § 851 Would Receive a Lower Sentence Today](#)**

- Would an Enhancement for Accidental Death or Serious Bodily Injury Resulting from the Use of a Drug No Longer Apply Under the Supreme Court's Decision in *Burrage v. United States*, 134 S. Ct. 881(2014), and *Alleyne v. United States*, 133 S. Ct. 2151 (2013)?
- Would the Supreme Court's Decision in *Alleyne v. United States*, 133 S. Ct. 2151 (2013), Lead to a Lower Sentence Today?
- How a Person Previously Sentenced as a "Career Offender" Would Likely Receive A Lower Sentence Today
- California "Wobblers": How to Determine Whether a Prior California Conviction Was a Felony or Misdemeanor
- Drugs Minus Two - Amended Drug Quantity Tables at USSG §§ 2D1.1(c) and 2D1.11(d) (Effective Nov. 1, 2014)
- How to Deal with the Retroactive Drugs Minus Two Amendment
- Attorney General's Charging Policies:
  - Memorandum to All Federal Prosecutors from Eric H. Holder, Jr., Attorney General, Department Policy on Charging and Sentencing at 2 (May 19, 2010)
  - Memorandum from Eric H. Holder, Jr., Attorney General, to the United States Attorneys and Assistant Attorney General for the Criminal Division on Department Policy on Charging Mandatory Minimum Sentences and Recidivist Enhancements in Certain Drug Cases (Aug. 12, 2013)
  - Memorandum from Eric H. Holder, Jr. Attorney General, to the United States Attorneys and Assistant Attorney General for the Criminal Division on Retroactive Application of Department Policy on Charging Mandatory Minimum Sentences and Recidivist Enhancements in Certain Drug Cases (Aug. 29, 2013)

#### *Firearms Cases*

- How a Person Who Was Convicted of a Firearms Offense, or Was Convicted of a Drug Offense and Received a Guideline Increase Because a Firearm "Was Possessed," May Qualify for Commutation
- How a Person Who Was Sentenced Under ACCA, 18 U.S.C. § 924(e), Would Likely Receive a Lower Sentence Today
- Would the Supreme Court's Decision in *Alleyne v. United States*, 133 S. Ct. 2151 (2013), Lead to Lower Sentence Today?

#### *Immigration Cases*

- How a Sentence for an Immigration Offense May be Lower if Imposed Today