

EXECUTIVE ORDER NO. 4
CLEMENCY

WHEREAS, Article III, Section 5(6) of the Constitution of North Carolina, vests the power of clemency exclusively with the Governor.

WHEREAS, the Constitution of North Carolina empowers the Governor with sole, unrestricted, and unlimited discretion to exercise the power of clemency to pardon, commute, or grant reprieves, except in cases of impeachment.

WHEREAS, North Carolina General Statute, Section 15A-838, the Crime Victims' Rights Act, requires, the Governor's Clemency Office to notify certain victims, as defined by North Carolina General Statute, Section 15A- 830, when it is considering commuting the defendant's sentence or pardoning the defendant.

WHEREAS, crime victims and prosecutors should have the right to be notified, and the general public has the right to know, if the convicted perpetrator in a particular case has a petition for a reprieve, commutation, or pardon actively being considered before the Governor's Clemency Office.

NOW THEREFORE, by the authority vested in me as Governor of the State of North Carolina. IT IS ORDERED:

Section 1. The Governor's Clemency Office will create for public posting a listing of the names of every individual whose application for a reprieve, commutation, or pardon is actively being considered.

Section 2. The list of names will be publicly posted on a state governmental website. Additionally, the Governor's Clemency Office will post the list of names on a bulletin board outside of its office for public inspection during normal business hours.

Section 3. In addition to the applicant's name, information related to the individual's offense, conviction date, and length of sentence should also be publicly available.

Section 4. Beyond the requirements of the Crime Victims' Rights Act, North Carolina General Statute, Section 15A-838, the Governor's Clemency Office will notify the relevant crime victim and prosecutor in every case where the convicted perpetrator has a petition for a reprieve, commutation, or pardon actively being considered by the Governor's Clemency Office.

Section 5. For all petitions now actively being considered by the Governor's Clemency Office, public posting will take effect within thirty days from the effective date of this Executive Order. All other petitions subsequently filed, and actively considered, will be posted within thirty days of filing.

Section 6. Exceptions to this Executive Order may be made in capital cases where the Office of the Attorney General ensures that the victim's family and the relevant District Attorney's office are notified as to clemency petitions, and in other special cases, such as with claims of "actual innocence", where any delay for public posting and comment would cause further unjust incarceration or record of conviction. In such cases, the Clemency Office must notify the Governor's Office of Legal Counsel immediately.

This Executive Order is effective immediately and shall remain in effect, as written, until terminated or amended by further Executive Order.

Done in the Capital City of Raleigh, North Carolina, this 6th day of March 2001.

Michael F. Easley
Governor

ATTEST:

Elaine F. Marshall
Secretary of State