

**PETITION REQUESTING
A PRESIDENTIAL PARDON
ON BEHALF OF
JASON HERNANDEZ
FED NO. 07031-078**

**JASON HERNANDEZ,
PETITIONER**

[REDACTED]

McKinney, Texas 75072

Phone#: [REDACTED]

Email [REDACTED]

In Collaboration with:

Prof. Mark Osler

Robert & Marion Short Distinguished Chair

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Sam Prins

J.D. Candidate 2022

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**JASON HERNANDEZ'S PETITION FOR PARDON AFTER
COMPLETION OF SENTENCE**

THE ACTUAL PARDON APPLICATION IS NOT ATTACHED. ONLY THE ADDENDUM

**JASON HERNANEZ'S ADDENDUM IN SUPPORT OF PETITION
FOR PARDON**

Addendum- Question 19

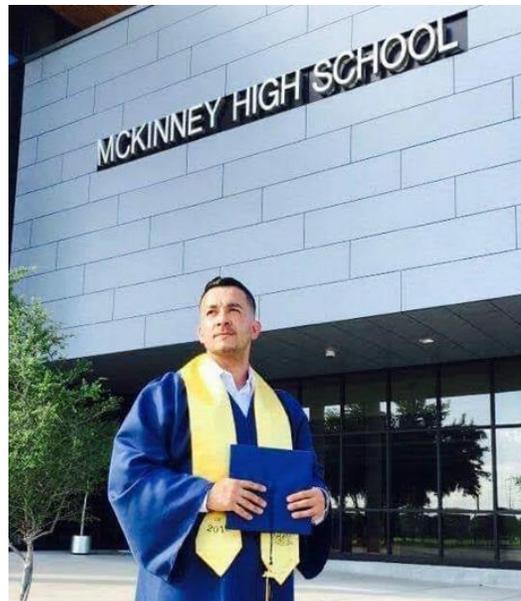
19. Describe any charitable or civic activities in which you have been engaged, or other contributions you have made to the community, since your conviction.

I attach this addendum to more fully describe my charitable and civic activities. These activities revolve around two things: My hometown of McKinney, Texas and advocacy for the kind of clemency that has allowed me to thrive in freedom.

Civic and Charitable Activities in My Hometown

Over six years ago, I returned to McKinney, the place where I grew up—and where I got in trouble. I worried about being accepted here, but I didn't need to. Not only has the community accepted me back with open arms and forgiven me, but they have embraced my experiences as an attribute to help solve city problems and view me not just as a resident of McKinney, but as family.

Part of re-connecting to McKinney was, at long last, earning my high school diploma. I was allowed to re-enroll, and earned that diploma in 2016. That wasn't the end of my education in McKinney, though. I became a graduate of Leadership McKinney, a program run by the Chamber of Commerce. The Chamber describes it this way: “Based on a curriculum that combines personal leadership skills training and an awareness of the McKinney community, this challenging educational experience provides participants the opportunity to engage in dialogue with leaders and field-specific experts on relevant community issues.”



These experiences and community connections let me flourish as a leader: I've worked with a youth outreach program, mentored youth who have been

incarcerated, serve on the board of a high school for kids recovering from drug and alcohol addiction, founded a poetry contest for kids in alternative schools in McKinney, partnered with the police officer who arrested me to found a group that provides gifts at Christmas to kids with incarcerated parents, work to preserve the Mexican legacies of our town including the Mexican cemetery, and have just founded a group to work with Latino high school students to pursue higher education, among other things. ***See Attachment F: Character Affidavits from McKinney Police Officer Damian Guerrero; Mayor of McKinney George Fuller; McKinney Resident Patrick Cloutier.***

Just recently, Channel 8 News did a story on the relationship about McKinney Police Officer Damian Guerrero (the officer who arrested me) and myself have had since my release and prior to.

Damian Guerrero, McKinney Police Department, and me.

Guerrero was 24 years old and a young officer for McKinney police. The moment that will forever bind two friends happened in March of 1998.



Aired October 28, 2021 WFAA

<https://www.wfaa.com/article/news/local/reformed-mckinney-man-seeks-presidential-pardon-from-drug-sentence/287-18669578-c5e9-451e-86ac-e1c3a7198e63>

I'm grateful to be part of a community that not only has allowed me these opportunities, but has celebrated my success. In 2017, the Collin County Black Chamber of Commerce named me "Community Civic Leader of the Year," in 2018 I was awarded the Kim Hoffman Volunteer of the Year Award from Volunteer McKinney, and in 2021 I was the Leadership McKinney Alumnus of the Year.

Each of my activities within the community is described in more detail below, but they are all connected by one truth: that I am now a positive part of the town where I was raised. Attached to this petition is a letter from thirty-one important members of this community, a group that includes the Mayor, the School District Superintendent, and the officer who arrested me on federal charges in 1998. *See Attachment B: Petition from McKinney, TX Elected Officials and Community Leaders Requesting President Biden to Pardon Jason Hernandez*

They see what I have done; I hope that you will, too.

Grace To Change, McKinney, Texas — *Youth Outreach & Program Development* -- Contact Shannon White, Founder # [REDACTED]

(March 2016 - January 2018)

Grace To Change is a non-profit outpatient drug and alcohol recovery center. I helped with youth outreach and program development. I also worked with the schools, alternative schools, juvenile justice system and with the youth and adults in the facility, talking about addiction, awareness and life choices. I did not use drugs, but my experiences give me insight into the disease of addiction. <https://www.gracetochange.org/>

Cafe Momentum, Dallas, Texas, Mentor/Kitchen Assistant -- Contact Darian Thomas, Former Chief Program Officer # [REDACTED]

Cafe Momentum is a social enterprise that employs only formerly incarcerated youth. It gives them a trade in the restaurant industry while giving them the vital social skills, empowerment, and support they need to

succeed in life. I assisted in all these key elements for nearly a hundred kids while I was employed there. <https://cafemomentum.org/>

Serenity High School (McKinney, Texas), Board Member -- Contact President Terri Rattan # [REDACTED]

(2017 -currently)

Serenity High is one of the nation's longest serving drug and alcohol recovery high schools. I serve on the board, do community and youth outreach for the school and help the school with fundraising <http://serenity.mckinneyisd.net/>

Unheard Voices, Founder -- Contact Collin County Detention English Teacher Misty Wilburn # [REDACTED]

(2017-2019)

Unheard Voices is a poetry contest I created for kids that are in the juvenile and alternative schools in his community. The poems were presented at the annual Summit On Youth in McKinney, and gave the kids a chance to express how they feel to those who work with juveniles in the city, an audience that includes probation officers, judges, officers, teachers, etc. <https://www.nbcdfw.com/news/local/poetry-unleashes-potential-in-jailed-collin-county-teens/29750/#:~:text=never%20knew%20existed,-.Inside%20the%20Collin%20County%20Juvenile%20Detention%20Center%20a%20poetry%20program,in%20prison%20for%20dealing%20drugs.>

Christmas In McKinney, Founder --Contact McKinney Police Officer Damian Guerrero # [REDACTED]

(2015-currently)

Christmas in McKinney was founded in 2015 by me and McKinney Police Officer Damian Guerrero, a childhood friend who was later the arresting officer in the federal case that sent me to prison. Christmas in McKinney is an event that helps over a hundred kids in the community who have a father incarcerated or deported, receive a Christmas filled with joy and gifts. <https://www.facebook.com/login/?next=https%3A%2F%2Fwww.facebook.com/>

ebook.com/%2Fannualmactownchristmas/%2F%3Fref%3Dpages_you_manage

Legacy Keepers of Old East McKinney -- Contact Founder Beth Bentley
[REDACTED]

(2020-currently)

Legacy Keepers of old East McKinney was founded in 2020. The focus is to preserve, uncover and present the history of the black and Mexican Communities of old East McKinney. I focus on the Mexican History of McKinney where I do research, interviews and filming to document the lives of those Mexican families that contributed to what the City of McKinney is today. <https://communityimpact.com/dallas-fort-worth/mckinney/history/2021/02/16/new-mckinney-organization-seeks-to-promote-history-of-black-mexican-communities/>

Mindful Meditation Initiative -- Contact Disciplinary Alternative Education Program Contact Counselor Carrie Dewey [REDACTED]

(2017-2019)

This is an initiative that helps teach students learn about the benefits of meditation and breathing and how it helps with relieving stress and focus. I learned these techniques in prison. <https://www.wfaa.com/article/features/originals/this-mckinney-school-swaps-detention-for-mindfulness-and-meditation/287-2e575d2f-f174-47e6-a597-fbd19ecd06d2?fbclid=IwAR0e19drNw6f3BqyPXFEGPZ70mVCdlyEmmJn2I4fRisxzMpX9CZ7rnKZEQ>

Van Fundraiser for Tonya Winchester -- Contact Owner of Van Tonya Winchester # [REDACTED]

(2018-2019)

This was a fundraiser initiated by me and three other individuals to help Tonya Winchester purchase a van that cost \$80,000 (she needs a specialized van because of a handicap). The whole community came together to make this great need happen. Fundraiser started in 2018 and Tanya received her van in 2019.

<https://www.wfaa.com/article/features/woman-who-was-saved-4-a-purpose-receives-life-changing-gift/287-79505a2b-7ae3-45f0-a4df-3cb462d689bb>

Restoration, Preservation and Beautification of the Mexican Cemetery

(2019-Currently)

I have become very interested in a cemetery where individuals of Mexican descent were buried from 1880-1980 in McKinney, Texas. I initiated the effort to clean, preserve and beautify the cemetery with the help of the community. I am also leading a mission to tell the stories of those buried there. <https://communityimpact.com/dallas-fort-worth/mckinney/history/2019/12/23/mckinney-man-strives-to-restore-mexican-cemetery-and-preserve-history-of-deceased/>

ATLAST: Aspiring Texas Latinos Achieving Success Together --Founder

(2021)

*In the Petition for Commutation that I sent to President Obama in 2011, I stated that I wanted to come back to my hometown and help kids from my community. Now, almost 10 years later, I am officially starting my own 501(c)(3) for youth in the community. The program has been modified to focus on Latino high school students and help them pursue higher education and become leaders in the community. To understand the potential impact of this project, please see the attached letter from students I have worked with. **See Attachment C: Letters From High Schools Students Written To Jason Over the Years.***

Trinity River Transformation (Dallas Texas) (2019-currently) -- Contact Alexis Puente, Community Engagement Associate for Trinity Park Conservancy [REDACTED]
(2020-currently)

I am working with the Trinity Park Conservancy as a Community Design Advocate to help in the redesign of the Dawson State Jail to become a place of healing, transformation and learning. This extremely important project is still in the design phase but is one of the first of its kind to transform a State Jail (a jail which was closed down for human rights violations). <https://trinityparkconservancy.org/journal-posts/community-listening-sessions-begin/>

Advocacy Work

No one appreciates the Constitutional power of clemency like those of us who have received that grace. With that comes an obligation to fight for the continuing use of the kind of clemency that brought me freedom. In the last several years, advocates at the national level have seen the power in the voices of those of us who have been incarcerated and are now free, and I have made the most of the opportunities I have had to speak out in favor of clemency and its connection to our core values.

That work has included founding my own advocacy group (“Crack Open the Door”), writing essays published in the New York Times, the Guardian, and the Huffington Post, speaking to media outlets around the country and the world, teaching law students how to create clemency petitions, and I have received several fellowships to support my work.

The support of those fellowships allowed me to produce something worthwhile for those seeking clemency: a 200-page guidebook to applying for clemency. That guidebook can be viewed for free and downloaded for free at www.getclemencynow.org

GET CLEMENCY NOW

A Guidebook to Everything A Person in Prison Needs to Know About Clemency and How Families Can Help

Jason Hernandez

Sentenced to Life Without Parole.
Wrote His Own Clemency Petition.
President Obama Clemency Recipient.
Helped Seven People Receive Clemency.

“My students and I have learned so much about the nuances of clemency petitions and advocacy from working with Jason. With his guidance, clinic students were able to develop a robust petition and help raise awareness through media - resulting in a successful grant of clemency.”

Amber Baylor,
Associate Professor of Law and Director of the
Criminal Defense Clinic at Texas A&M University

I have outlined my advocacy work below.

Crack Open The Door/Get Clemency Now —
Founder www.crackopenthedoor.com

(October 2010 - Present)

Crack Open The Door was founded in 2010 during my incarceration. COTD specifically advocates for first time non-violent offenders serving LWOP for crack cocaine. After reaching out to Author and Civil Rights Advocate Michelle Alexander, Michelle connected me with Vanita Gupta, who was at that time the head of the ACLU's Smart Justice project. I connected the ACLU with other people who were incarcerated and serving life without parole sentences. After my release, I continued to advocate for people serving LWOP for drug offenses. I have assisted nearly a dozen individuals who have received clemency or early release from life sentences on the federal and state level.

Geneva Cooley and Josephine Ledesma, 2019, LA California.

I helped get their life sentences reduced.



ACLU, The Redemption Campaign: Embracing Clemency — Consultant and Lead Voice -- Contact Udi Ofer ACLU Justice Division # [REDACTED]

(2019 - Present)

Embracing Clemency is a nationwide effort to liberate 50,000 people from state prisons by pushing governors to use their clemency powers in new ways, including by granting categorial commutations to release large groups of people who are unjustifiably imprisoned. I am one of the lead voices and consultants of the campaign, along with Cyntoia Brown.

<https://www.aclu.org/press-releases/aclu-launches-multi-year-effort-release-50000-prisons-through-gubernatorial-clemency>

Open Society Foundations, Soros Justice Fellow -- Contact [REDACTED]
email: [REDACTED]

(2018-2019)

I received a Fellowship to create a Clemency Guidebook that teaches people in prison and their families how to create robust clemency petitions and how to advocate from prison. This Guidebook was released in May of 2020.

<https://www.opensocietyfoundations.org/grants/soros-justice-fellowships?fellow=jason-hernandez>

The Guidebook can be viewed for free and downloaded for free at
<https://www.getclemencynow.org>

Latino Justice, Media Justice Fellowship -- Contact Juan Cartagena, President and General Counsel [REDACTED]

(2017-2018)

I received a fellowship through Latino Justice to assist and prepare for the development of my memoir. I recently signed a book deal with One World Publishing and the release of the memoir will be in the end of 2021 or early 2022.

<https://www.openphilanthropy.org/focus/us-policy/criminal-justice-reform/latino-justice-media-fellowship-program>

Published Writing:

- “The Power Of Clemency” The New York Times, (01/18/18)
- “You Serve Your Time, Earn Your Freedom, Then The Job Market Shuts The Door In Your Face.” The Huffington Post, (04/29/16)
- “I Read The New Jim Crow In Jail It Changed My Life.” The Guardian, (01/10/18)
- “Dear President Obama: Thank You for My Second Chance.” Huffington Post, (12/12/16)
- “Will Trump’s Inauguration Be The Day Clemency Died?” ACLU, Speak Freely, (01/17/17)
- “Latinos Unidos: Pushing For Criminal Justice Reform Together.” Latino Rebels, With Maximo Anguiano 07/16/2015. (written in prison in 2011)
- “Why Hasn’t President Obama Granted Clemency To A Single Latina Inmate.” Fusion, (01/15/16)

Selected Media Appearances:

- ACLU Animation: Jason’s Sentence (Featured at Sundance)
- KFOR News: THANKS OBAMA
- Al Jazeera: PLEA TO THE PRESIDENT SETS INMATE FREE
- New York Minute Films :JASON ON BEING INCARCERATED
- Vice/ACLU Criminal Justice Reform
- Fusion: READ THE LETTER FROM AN INMATE TO PRESIDENT OBAMA THAT SET HIM FREE
- The Atlantic: WHAT IT TAKES TO SECURE CLEMENCY
- BBC Mundo: EL HISPANO QUE SUFRIÓ LA DESPROPORCIÓN EN EL CASTIGO AL TRAFICO DE CRACK Y COCAÍNA EN EE.UU.
- Latin Times: OBAMA CLEMENCY RECIPIENT JASON HERNANDEZ REBUILDS LIFE AS PRESIDENT PREPARES HISTORIC VISIT WITH INMATES IN EL RENO
- USA Today: OBAMA EIGHT ADJUST TO LIFE AFTER LIFE
- Time: OBAMA’S LEGACY PROJECT:
- Time: MEET THE PIONEERS OF OBAMA’S CLEMENCY CAMPAIGN
- Charles Koch Foundation: JASON HERNANDEZ, BURIED NO MORE (2019)

Since leaving prison I have tried to make the most of the second chance at life I have been given which has contributed to others, I believe, in receiving a second chance too:

*“It is our sincere hope that one day, Jason would have the opportunity to meet you [President Obama] and thank you for the second chance he has been given. ... And with the close of this letter, Caldwell Elementary is no longer an improvement required Campus, **and has been given a second chance too**, with the efforts of individuals like Jason dedicated to improving the lives of the least among us.” See Attachment D, Letter to President Obama from Caldwell Elementary Principal Kelly Flowers signed by 40 staff members*

And though I know I can never repay the act of mercy that was bestowed upon me I will never stop trying¹. ***See Attachment F, Jason’s Letter to President Biden***

¹ When I was sentenced to life without parole the District Judge also imposed a term of supervised release of 8 years. When President Obama commuted my sentence the 8-year term was left as is. I filed a motion for early termination through attorney (pro bono) Stephen Green in June of 2021—after having served over 6 years of my supervised release. On October 6, 2021, United States District Judge Sean D. Jordan terminated the remainder of my supervised release based on my conduct since my release (Quoting District Judge Jordan, *“The Court finds that Hernandez’s post-release conduct has been exceptional and warrants termination of his supervised release obligations. In the approximately six years that Hernandez has been on supervised release, he has done far more than simply comply with the conditions imposed on his supervised release.”* **See Attachment F.**

Addendum- Question 20

20. State your reasons for seeking a pardon.

“The pardon process, of late, seems to have been drained of its moral force. Pardons have become infrequent. A people confident in its laws and institutions should not be ashamed of mercy. The greatest of poets reminds us that mercy is “mightiest in the mightiest. It becomes the throned monarch better than his crown.”

-- Former Supreme Court Justice Anthony M. Kennedy, Addressing ABA at Annual Meeting in 2003.

Justice Kennedy was right—the pardon process has a moral force, and above all else I seek forgiveness and reconciliation for the harm I did by selling drugs. A pardon will also allow me more freedom to do my work and fulfill a promise I made to President Obama.

There are very practical reasons that I seek a pardon. In my answer to question 19, I described my community involvement, which often takes me into schools and prisons. Meanwhile, my advocacy work takes me to many government buildings, including centers for the legislative and administrative branches of the federal government. Right now, I must overcome extra hurdles to enter some buildings, and am unable to enter some federal facilities at all. A pardon will enable me much more latitude to walk those halls. Moreover, the felony convictions prevent me from attaining certification or licenses that I may want to pursue in the near or distant future that would help further the impact of my work and causes. This could be something as minimal as becoming a Notary Public or as significant as becoming an attorney, both of which are not permitted to felons in Texas and are among the 44,000 collateral consequences felons endure in the United States.

Practicality, though, is not the only reason I seek a pardon.

The commutation of my sentence rested on a promise that I made in a letter that I wrote to President Obama in support of the clemency petition I prepared myself at the prison library. In that letter, I told him this:

“I acknowledge that I deserve to be in prison. For how long? I am in no position to say.....What I can say for certain Mr. President is that I am a changed man from that boy who ran those streets over 15-20 years ago. And if I were given a second chance at life I would not let you, my family, or society down. I would do everything I could to right what I have wronged and try to prevent kids from making the same mistakes I did when I was young.

If you review my Petition for Commutation you will see I have dreams Mr. President, big dreams. And not just dreams of being free, but dreams of becoming someone who is going to make a difference in this world. But to speak of my goals as dreams doesn't do them justice, for I can see everything I want to accomplish and how I am going to accomplish it as clear as day. All I need now is for you to give me a chance to turn those dreams into reality.” See Attachment A, Jason's 2011 Letter to President Obama.

President Obama did, in fact, grant my petition for clemency. On December 19, 2013, eight of us received commutations. As the first significant commutation grants President Obama made, we became known as the “Obama 8.” See [*Obama 8 Adjust to Life After Life Sentence*](#), USA TODAY, Gregory Korte (7/29/2015). I was referred to in the article as “Obama's Mexican Kid.” I was released from prison in August of 2015, after serving 18 years. I was 39 years old.

Though we in the “Obama 8” did not receive it, later clemency grantees (including some that I helped with their petitions) got a letter from President Obama. In part it said this, which I think applies to all of us who are now in freedom:

“... remember that you have the capacity to make good choices. By doing so, you will affect not only your own life, but those close to you. You will also influence, through your example, the possibility that others in your circumstances get their own second chance in the future. I believe in your ability to prove the doubters wrong. So good luck, and Godspeed.”

Despite not receiving a letter from President Obama I know he received and read my letter to him. A pardon will honor the promise I made in my letter to President Obama, the fulfillment of his faith in me, and enable me to take those

dreams even further. See [*To Obama: With Love, Joy, Anger and Hope, Author Jeanne Marie Laskas p 112, 387*](#)

Finally, there is one last motivation for this petition. I was not the only member of my family in prison. My brother, Jessie Joe, was also incarcerated. Our paths were very different. While I returned to freedom through the grace of clemency, my brother was murdered in prison in 2002. For my family, and my own heart, I seek a forgiveness that he will never find.

RESPECTFULLY submitted this 8th day of November, 2021.

A handwritten signature in black ink, appearing to read "Jason Hernandez", with a long horizontal line extending to the right.

Jason Hernandez

ATTACHMENT A: JASON'S 2011 LETTER TO PRESIDENT OBAMA

September 23, 2011

President of the United States
1600 Pennsylvania Ave. NW
Washington, DC. 20500

RE: LETTER BY FEDERAL INMATE JASON HERNANDEZ #07031-078 IN
SUPPORT OF HIS PETITION FOR COMMUTATION OF SENTENCE

Dear Mr. President:

Greetings. My name is Jason Hernandez. I am sure you have no idea who I am, and probably wondering why on God's earth am I writing to you. Well, to summarize it as best as I can I am a 34 year old federal inmate who has served over 14 years on a sentence of life without parole, which I was given for conspiracy to distribute crack cocaine and other controlled substances. As a result thereof, I have filed a Petition for Commutation of Sentence with the Pardon Attorney in hopes you determine there is sufficient cause to grant my request.

As you are aware there has been major support to completely eliminate the disparity between powder cocaine and crack cocaine. But that is not what the substance of this letter is about. I'm not going to sit here and try to downplay the effects crack cocaine or any other drugs have on our nation. I know first hand the distruction drugs cause on people, families, and communities.

Nor will I attest that because I didn't kill anyone, commit rape, or a crime against a child, that I shouldn't be in prison for an excessive amount of time. Because the simple truth Mr. President is that I was a drug dealer. And what I didn't know then that I've learned over the years is that it would not be an overstatement to view my crime as equivalent, if not more detrimental, than those just stated. I realize this because I was selling drugs in the community I was born and raised in. I was selling drugs to people I grew up with, most of whom were either friends or family. Everybody I came into contact with I was destroying in one way or another. From the addicts and the families of those addicts, and the individuals I encouraged to sell drugs that ended up losing years of their lives in prison; resulting in parents being without a son, wives without a husband or kids without a father. Now I can see the cycle of destruction that drugs have caused on my neighborhood and those across the United States.

I acknowledge that I deserve to be in prison. For how long? I am in no position to say. I'm sure there are people who could argue either for or against my current sentence of life without parole. What I can say for certain Mr. President is that I am a changed man from that boy who ran those streets over 15-20 years ago. And if I were given a second at life I would not let you, my family, or society down. I would do everything I could to right what I have wronged and try to prevent kids

from making the same mistakes I did when I was young.

If you review my Petition for Commutation you will see I have dreams Mr. President, big dreams. And not just dreams of being free, but dreams of becoming someone who is going to make a difference in this world. But to speak of my goals as dreams doesn't do them justice, for I can see everything I want to accomplish and how I am going to accomplish it as clear as day. All I need now is for you to give me a chance to turn those dreams into reality.

I thank you for your time Mr. President, and I hope that after you read my Petition for Commutation you come to the conclusion that I was not a bad person growing up, but a person who made bad decisions.

Sincerely,

Jason Hernandez #07031-078
Federal Correctional Institution
Post Office Box 1500
El Reno, Oklahoma. 73036

**ATTACHMENT B: PETITION FROM CITY OFFICIALS AND HIGHLY ESTEEMED
CITIZENS FROM THE CITY OF MCKINNEY, TEXAS REQUESTING PRESIDENT
BIDEN TO PARDON JASON HERNANDEZ**

President Joe Biden

Whitehouse
1600 Pennsylvania Ave. NW
Washington, DC. 20500

**RE: PETITION FROM CITY OFFICIALS AND HIGHLY ESTEEMED CITIZENS FROM
THE CITY OF MCKINNEY, TEXAS REQUESTING PRESIDENT BIDEN TO PARDON
JASON HERNANDEZ**

Dear President Biden,

We, the undersigned, proudly and absolutely request that President Biden fully pardon Jason Hernandez.

After Jason's sentence was commuted and he moved back to McKinney, Texas we have all personally witnessed many projects that he has led or helped lead to make McKinney, Texas a better place to live and raise a family. We are fully convinced that a pardon would allow Jason to deepen his roots here and engage with the community at an even higher level, help guide our youth, bring out the talents of those in the shadows, and become an even more invaluable honest broker in our City's challenges.

We pride ourselves individually and collectively on helping create a culture of working together across racial, economic, political and cultural lines. Jason has contributed greatly in all of these categories since his release from prison.

This final act of forgiveness for Jason will go a long way to help us continue to be a City and Nation that offers hope and redemption to all of her citizens.

WHEREFORE, it is prayed that the President of the United States Joe Biden find sufficient cause to exercise the extraordinary power to forgive and reprove and grant Jason Hernandez a pardon.

This request is hereby submitted on this ___ day of October 2021 and supported by the following Citizens of McKinney, Texas and surrounding cities:

x _____

Patrick Cloutier, Partner of Legacy Planning and Board Member of McKinney Economic Development Corporation

Lisa Hermes, President, McKinney Chamber of Commerce

Rick McDaniel, Superintendent for McKinney Independent School District

Gere Feltus, City Councilwoman of McKinney, Texas

Nate Pike, Mayor of Anna, Texas

Justin Beller, City Councilman of McKinney Texas

George Fuller, Mayor of McKinney

Paul Grimes, City Manager of McKinney

Cindy Schneible, President of McKinney Community Development Corporation

Damian Guerrero, Sergeant McKinney Police Department

Scott Elliot, Former City councilman, Executive Director of Community Lifeline Center

Alejandro Camacho, Director of First Baptist Immigration Center

Amy Rosenthal, Director of the McKinney Performing Arts Center

Pam Huffman, Former Head of Juvenile Probation Department Collin County

Malcolm King Farmer, President of Texas Legends Minor League Basketball

Brian Loughmiller, Former Mayor of McKinney

Kelly Flowers, Former Principal of Caldwell Elementary; Currently Director of Elementary for Sherman, Texas ISD

Charlie Phillips, City Councilman of McKinney

Jennifer Akins, McKinney Independent School District Director of Guidance and Counseling

Jaime Resendez, Dallas City Councilman and Combat Veteran

Neil Sperry, Founder of Serenity High School McKinney's Drug and Alcohol Recovery School

Lynn Sperry, MISD Board Member

Juli Ferraro, Former Principal of Serenity High School

Tracy Rath Former Mayor pro tem Mckinney Tx

Andrea Harvey President of BBVT Bank Mckinney

Tommy O. Brumett, Rev. Dr. at McKinney First United Methodist

Tara Gadlin Williams, Community Engagement Specialist CUTX

Empress Drane. City Secretary of McKinney, Texas

Cynthia Morton, Former School Principal of JJAEP and DAEP

Erin Blair, President of Baylor Scott and White Medical Center

Christine Ortega, Executive Director of Volunteer McKinney

Trisha Roberts, Retired McKinney Resident

Alan Arbabi, Principal of McKinney High School

Mitch Vandenoorn, Principal of Faubion Jr. High School

**ATTACHMENT C: LETTERS FROM HIGH SCHOOLS STUDENTS
(LETTERS WRITTEN TO JASON OVER THE YEARS FROM
STUDENTS)**

Hey Jason Hernandez,

I honestly have no words for you, but a whole lot of admiration and inspiration because of you. And no I don't mean inspiration in me to do those things you did, but inspiration in a way where I fight for what I want, for who I am, and for what I believe. I have many, many questions, but I feel like they're just too personal, so I'm going to leave it to where it's at. Maybe your story may not be so similar to yours, at all with all honesty, but then again I feel like the lesson learned is much more greater than the way it was learned. I haven't had it too easy, nor in a way where I have everything. Maturity was something given, or more like forced the summer after second grade. You being hispanic, from Mexican roots, the mentality of our "jefes" shining upon our actions and reactions, are major. I thank you for not only me, but from all the people you have touched heart. A truly thank you, not for going through what you did to be able and touch their hearts. But thank you for being able to be an example of change, and telling people, many people of your story and also helping those others in need.

great admiration,



03/03/17

02/12/2018

Dear Jason Hernandez,

Thank you for coming and visiting our class. Your talk with us was very influential on me because you made me open my eyes up and stop hanging out with drug dealers. Or being around anyone whos doing drugs. I did not know who you are before you presented, because one day i was walking with one of my best friends [REDACTED] and you had stopped her to tell her she looks all like her mom [REDACTED]. So after that had happened, i went home to ask my parents [REDACTED] who you are , and they explained to me your story. You presented everything just perfect like you weren't afraid to open up and thats what i liked the most. My personal connections to this was how you said it was hard for you when your brother passed and even harder how you couldn't be there for your mom at the funeral. I connected to that because my tio just passed and my grandma needed my dad by her side during all of that and i can't even imagine how hard that was for you. But anyways thank you for sharing your story. And i saw on the board you wrote "nothing last forever" which is so true. Your story is very influential and i'm glad you got to come to our class and speak with us.

Sincerely,

AV [REDACTED]

February 13, 2018

Dear Jason Hernandez,

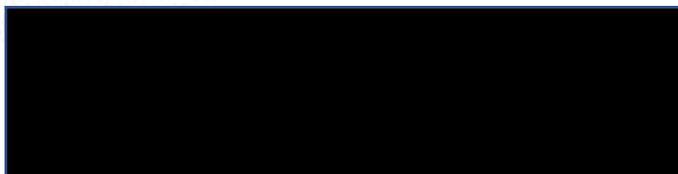
Thank you for having the time to talk to our class about your inspiring story. I would like to say that you have really made a difference on the way I look at the world. I now know that even though I'm not doing anything bad the people that I hangout with can still determines what happens to me. I also like that you shared that even if you are a dude it's okay to cry. Crying isn't girly like most guys would say. It human it's a way we express are emotions and the way you put your emotions into your story was what really got my attention.

In your presentation I wish you would have included pictures of things you have lost over the years. Things that made you wish being home while you were in prison. Like your friends, family, the house you grew up in, but than lost to a prison cell.

I think about when you talked about losing your brother and than getting out of prison really hit you when you were talking. I could see that you wanted to cry, but it looked like you were holding back your tears. DON'T! I suggest that you let out those emotions out to us cause we wanna know the pain that has happened in your life. We want to feel the pain you've been through.

I've learned a lot about you coming to talk to us. I realized I wanna do something with my future. I don't know what, but I will keep continuing to find it everyday. I have also realized that the people that I'm hanging out with aren't the people I should be hanging out with. But, the most important thing that I have learned from you is that it's okay not to be cool or to fit in all the time because if you try so hard it can lead you down the wrong path.

Sincerely,

A large black rectangular redaction box covers the signature area. Below the box, there are faint, handwritten scribbles in blue ink.

To Jason Hernandez 2/26/18

Hi, my name is [REDACTED]. I was from Oklahoma but I moved to McKinney. And here I been threw some things like you said mostly drugs but I never sold before, I kinda did but stopped. And I can really relate to you cause when you said that your brother passed away. And my grand father passed away like 3 or 4 years ago and I still think about him. And you showed me what to do and not to do but I'm really trying not to get in to trouble. And I'm really trying to work but mostly work on school.

But reason I'm writing this to you is cause I wanna say thank you and talking to us on how to work on a better life and making good choices. And I promise that I'll work hard just so I can have a better life

Thank you,
[REDACTED]

**ATTACHMENT D: 2018 LETTER TO PRESIDENT OBAMA FROM 40
CALDWELL ELEMENTARY TEACHERS THANKING HIM FOR
RELEASING JASON**

Gibson Caldwell Elementary

601 W. Louisiana
McKinney, TX 75069
(469) 302-5500
kflowers@mckinneyisd.net

18th August 2018

The Honorable Barack Obama

The Office of Michelle and Barack Obama
P.O. Box 91000
Washington, DC 20066

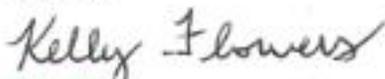
Dear President Obama,

On behalf of the staff and faculty of Gibson Caldwell Elementary in McKinney, Texas, I write this letter to express our gratitude for your efforts to reform our broken criminal justice system. In particular, your clemency of Jason Hernandez in 2014, a McKinney, TX native who had served 16 years for a non-violent drug offense exemplifies the value of second chances. Jason is living proof of the powerful positive impact of a second chance. By reversing these unfair sentencing mandates that essentially reinforced the already challenging barriers of racial and economic inequalities, you returned Jason to his hometown where he continues to make a positive and profound difference.

Caldwell Elementary, a Title I school majority minority campus, identified by the state of Texas as the only improvement required campus in our school district based on 2017 state assessment was thankfully embraced by Jason's outreach. Caldwell was also Jason's former intermediate school and clearly continued to hold a special place in his heart. Shortly after meeting him in late 2017, Mr. Hernandez began to support our school's efforts to meet the diverse needs of the students and families we serve. From mentoring, to facilitating a soccer camp, to organizing a Christmas event serving students and families with parents who are imprisoned or deported, and even providing haircuts and school supplies to all of our students in economic need, Jason is making our school and larger community a better place.

It is our sincere hope that one day, Jason would have the opportunity to meet you and thank you for the second chance he has been given. And with the close of this letter, Caldwell Elementary is no longer an improvement required campus, and has been given a second chance too, with the efforts of individuals like Jason dedicated to improving the lives of the least among us.

Sincerely,



Kelly Flowers

Caldwell Elementary Principal

Munoz
Pineda
Waldman
Laura Otto
Maria Moreno
MFA
Eliosa Aviles
Kgrandage
Aleism Drew
Kim Hafner
Amanda Dexter
Matts Bal
Alison Sanderson
Giselle Marinakis

Joan Piant
Brene Grane
Sarah Anidi
Kelly Maston
Yenisey Sanchez
Kelly Kobdy
Courtney Casey
Melinda Saul
V. Amoye
Alison D Ryan
Katherine Campos
~~Stefanie Williams~~
Gina Buzg
A. Fajardo
Maria Carrell
Bonnie Abonant
Ruh Z
Wore
Sarah Beth Holman
Isabella
Amanda Rudd
Laura Olavarrieta
Amy Moses

**ATTACHMENT E: UNITED STATES DISTRICT JUDGE'S ORDER
GRANTING MOTION TO TERMINATE JASON'S SUPERVISED
RELEASE EARLY**

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

UNITED STATES OF AMERICA	§	
	§	
v.	§	CRIMINAL NO. 4:98-CR-014-SDJ
	§	
JASON HERNANDEZ (2)	§	

ORDER

Before the Court is Defendant Jason Hernandez's Unopposed Motion for Early Termination of Supervision. (Dkt. #1435). Having considered the relevant law, the motion, and Hernandez's behavior and exceptional accomplishments since being sentenced in 1998, the Court concludes that the motion should be **GRANTED**.

On March 13, 1998, a jury found Hernandez guilty of violating 21 U.S.C. § 841(a) (seven counts of possession with the intent to distribute a variety of controlled substances), 21 U.S.C. § 846 (one count of conspiracy to possess controlled substances with the intent to distribute and conspiracy to distribute controlled substances), 21 U.S.C. § 856(a) (two counts of establishment of a place for the manufacture and distribution of a controlled substance), and 21 U.S.C. § 860 (three counts of possession with the intent to distribute a controlled substance within 1,000 feet of a school and a playground). The jury also found Hernandez guilty of violating 18 U.S.C. § 2 (aiding and abetting) in regard to each of his other violations. For his crimes, and as prescribed by the statutes above, Hernandez was sentenced to life imprisonment without parole.

According to Hernandez, a "personal transformation started in prison after he learned that his brother had been murdered while serving his own prison sentence."

(Dkt. #1435 at 1). It was then that “Hernandez recognized that his old lifestyle was leading to destruction, and from that point forward [he] used his time in prison to better himself.” (Dkt. #1435 at 1). Hernandez’s personal transformation was so compelling that it attracted the attention of then-President Barack Obama, who on December 19, 2013, commuted Hernandez’s life sentence to twenty years’ imprisonment. Hernandez was accordingly released from prison on August 11, 2015, and immediately began serving an eight-year term of supervised release as was mandated by the foregoing statutes. Hernandez has moved for early termination of his supervised release obligations pursuant to 18 U.S.C. § 3583(e)(1), (Dkt. #1435), and the Court has received notice that the Government does not oppose Hernandez’s request.

Section 3583(e)(1) grants district courts the authority to terminate an individual’s supervised release obligations at any time after the expiration of one year if, after considering the factors set forth in Section 3553(a), the court “is satisfied that such action is warranted by the conduct of the defendant released and the interest of justice.”¹ 18 U.S.C. § 3583(e)(1); accord *United States v. Emeary*, No. 4:05-CR-15,

¹ The Court is aware of a line of cases holding that a different statutory provision, 18 U.S.C. § 3582(c)(2), cannot shorten statutorily mandated sentences. See, e.g., *United States v. Paulk*, 569 F.3d 1094, 1095 (9th Cir. 2009); *United States v. Hood*, 556 F.3d 226, 233 (4th Cir. 2009); *United States v. Williams*, 551 F.3d 182, 185 (2d Cir. 2009); *United States v. Ganun*, 547 F.3d 46, 47 (1st Cir. 2008) (per curiam); *United States v. Williams*, 549 F.3d 1337, 1339-42 (11th Cir. 2008) (per curiam). However, because the requested relief in this case is sought under Section 3583(e), which by its terms can apply to any term of supervised release after one year has passed, the Court concludes that the cases dealing with Section 3582(c)(2) are inapplicable in this context.

2017 WL 9477642, at *1 (E.D. Tex. Feb. 22, 2017) (citing, among others, *United States v. Johnson*, 529 U.S. 53, 59–60, 120 S. Ct. 1114, 146 L. Ed. 2d 39 (2000)).

Pursuant to Section 3583(e)(1), “the court may terminate an individual’s supervised release obligations ‘at any time after the expiration of one year . . . if it is satisfied that such action is warranted by the conduct of the defendant released and the interest of justice.’” *Johnson*, 529 U.S. at 60. Section 3583(e) also requires the court to consider certain factors under Section 3553(a).² “District courts enjoy considerable discretion in determining when the interests of justice warrant early termination.” *United States v. Singleton*, No. 4:13-CR-248(1), 2020 WL 3271633, at *2 (E.D. Tex. June 17, 2020). Although “compliance with the terms of supervision and with the law is not enough to warrant termination[,] . . . in ‘cases with new or unforeseen circumstances, or where the defendant’s behavior has been exceptionally good,’ the court may, at its discretion, choose to terminate a defendant’s term of supervision.” *Id.* (internal citation omitted).

The Court finds that Hernandez’s post-release conduct has been exceptional and warrants termination of his supervised release obligations. In the approximately six years that Hernandez has been on supervised release, he has done far more than

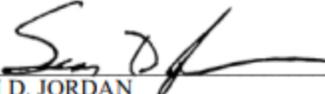
² Section 3553(a) directs courts to consider: the nature and circumstances of the offense and the defendant’s history and characteristics; the need to deter criminal conduct; the need to protect the public; the need to provide the defendant with needed educational or vocational training, medical care, or other correctional treatment in the most effective manner; the kinds of sentences and sentencing ranges established for defendants with similar characteristics under applicable Sentencing Commission guidelines and policy statements; any pertinent policy statement of the Sentencing Commission in effect on the date of sentencing; the need to avoid unwarranted disparities among similar defendants; and the need to provide restitution to the victim.

simply comply with the conditions imposed on his supervised release. Hernandez earned his high school diploma at the age of thirty-nine from McKinney High School, the high school he originally attended in the early 1990s. More importantly, he has taken a leadership role in numerous projects focused on helping his community. These projects have included Hernandez serving as an outreach director for McKinney youth at Grace to Change, an organization which aims to break the cycle of addiction for adolescents and adults; developing a poetry program designed to unlock potential for teens incarcerated at the Collin County Juvenile Detention Center; serving as a volunteer and board member for Serenity High School, a substance-abuse recovery public high school; and co-founding “Christmas in McKinney,” an event that assists children in the community who have an incarcerated parent. (Dkt. #1435 at 6–9). In recognition of Hernandez’s accomplishments in his community, he was awarded the Leadership McKinney Alumnus of the Year Award for the year 2021. (Dkt. #1435 at 7).

The Court also finds that the Section 3553(a) factors weigh in favor of terminating Hernandez’s supervised release, given his exceptional post-release conduct evidencing his rehabilitation, the overall length of his sentence, and the length of supervised release he has completed. Accordingly, the Court concludes that the interest of justice would be served by terminating Hernandez’s supervised release.

For the foregoing reasons, it is therefore **ORDERED** that Hernandez’s Unopposed Motion to Terminate Supervised Release, (Dkt. #1435), is **GRANTED**.

So ORDERED and SIGNED this 5th day of October, 2021.


SEAN D. JORDAN
UNITED STATES DISTRICT JUDGE

**ATTACHMENT F: CHARACTER AFFIDAVITS FROM MCKINNEY
POLICE OFFICER DAMIAN GUERRERO; MAYOR OF MCKINNEY
GEORGE FULLER; MCKINNEY RESIDENT PATRICK CLOUTIER**

CHARACTER AFFIDAVIT
on behalf of

Jason Hernandez

(Print or type name of petitioner)

In support of the application of the above named petitioner to the President of the United States for pardon,

I, J. Damian Guerrero

residing at

[Redacted Address]

[Redacted City, State, Zip Code], whose occupation is Police Sergeant / McKinney PD

Telephone No. (include area code)

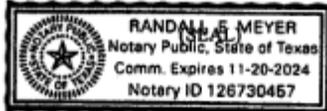
certify that I have personally known the petitioner for 30+ years years. Except as otherwise indicated below, petitioner has behaved since the conviction in a moral and law-abiding manner. My knowledge of petitioner's reputation, conduct and activities, including whether the petitioner has been arrested or had any other trouble with public authorities and has been steadily employed, is as follows:

I have known Jason Hernandez since we were young kids growing up in McKinney, Texas. Jason made some bad choices that effected the lives of many people and his community. Jason spent nearly 20 years in prison and truly came out a different person. When I first meet with Jason shortly after his release, I knew right away that he had good intentions and wanted to make up for his past mistakes. I have worked with Jason on several community events mainly back to school and Christmas events. Jason is constantly working on projects to better his community. Jason is a very humble person and will quickly tell you that he is not a victim but has been giving an opportunity to make a difference and he has. I am truly proud of Jason and know that if given this pardon he will be able to do even more great things for the City of McKinney and others. I am proud to call Jason my friend.

I do solemnly swear that the foregoing information is true and correct to the best of my knowledge, information, and belief.

[Signature]
(Signature of Affiant)

Subscribed and sworn before me this 08 day of AUGUST, 2021.



(month) (month)
Notary Public: [Signature]
My commission expires: 11-20-2024

Note: Persons related to you by blood or marriage cannot be used as primary character references nor can the attorney representing you in the pardon process, if you are so represented.

CHARACTER AFFIDAVIT
on behalf of

Jason Hernandez

(print or type name of petitioner)

In support of the application of the above named petitioner to the President of the United States for pardon,

I, George Fuller

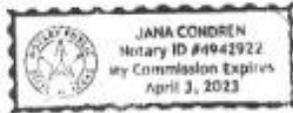
[Redacted]
[Redacted], whose occupation is Mayor of Mckinney Tx / builder

certify that I have personally known the petitioner for 5 years. Except as otherwise indicated below, petitioner has behaved since the conviction in a moral and law-abiding manner. My knowledge of petitioner's reputation, conduct and activities, including whether the petitioner has been arrested or had any other trouble with public authorities and has been steadily employed, is as follows:

Jason Hernandez is a wonderful man and a consistent advocate and servant to Mckinney Tx. I have been Mayor of Mckinney for the last 4+ years. Jason has been a humble servant to so many as he has outlined in his petition. Jason can and does lead, and he can also be a contributor. He brings no ego, just love and service. Mr President, pardoning Jason will be a win for my city. It will be a win for all who believe in second chances. It can be a bit frustrating that Jason still has restrictions placed on him despite all the good he has done.

I wish Mckinney had 1,000 Jason Hernandez like people. I have had a very close up look at his consistent manifest over the past 5 years and all of those lives that he has made better. I'm proud of our friendship and humbly ask you to please grant him this pardon that he has worked so hard to acheive. He is the poster child for redemption

I do solemnly swear that the foregoing information is true and correct to the best of my knowledge, information, and belief.



[Signature]
(Signature of Affiant)

Subscribed and sworn before me this 16th day of August, 2021.

Notary Public: Jana Condren
My commission expires: 4/3/23

(SEAL)

Note: Persons related to you by blood or marriage cannot be used as primary character references nor can the attorney representing you in the pardon process, if you are so represented.

CHARACTER AFFIDAVIT
on behalf of

Jason Hernandez

(Print or type name of petitioner)

In support of the application of the above named petitioner to the President of the United States for pardon,

I, Patrick J Cloutier

(Print or type name of affiant)

residing at

[REDACTED] [REDACTED] [REDACTED] [REDACTED] 75070

Number Street City State Zip Code

[REDACTED], whose occupation is financial advisor

certify that I have personally known the petitioner for 5 years. Except as otherwise indicated below, petitioner has behaved since the conviction in a moral and law-abiding manner. My knowledge of petitioner's reputation, conduct and activities, including whether the petitioner has been arrested or had any other trouble with public authorities and has been steadily employed, is as follows:

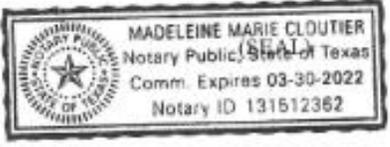
I met Jason in the context of interviewing him to be a member of Leadership McKinney. His candor, honesty, and humility were so impressive to me that I not only advocated for his inclusion in the program but I sponsored and scholarshipped him. For the last 5 years I've become great friends with Jason and we have worked together on so many projects in McKinney. I'm a conservative guy in most any way someone would think of a conservative. Jason has been such a blessing to me and my family. He is the standar bearer for second chances and redemption. He is the most diciplined person that I know. In 5 years Jason has become a key conduit between a historically economically challenged East side and an economically robust west side. He has built dozens of bridgees of trust and common purpose. His pardon will only emancipate him more to contribute to our city and its people and allow him better economic freedom to sustain himself. This is so important. Important not just to Jason but to a city of 200,000 + that is a kinder more connected place because of him.

I do solemnly swear that the foregoing information is true and correct to the best of my knowledge, information, and belief.


(Signature of Affiant)

Subscribed and sworn before me this 18th day of August, 2021.

Notary Public: Madeleine Cloutier



My commission expires: 03/30/2022

Note: Persons related to you by blood or marriage cannot be used as primary character references nor can the attorney representing you in the pardon process, if you are so represented.

**PERSONAL LETTER BY JASON HERNANDEZ TO
PRESIDENT JOE BIDEN IN REGARDS TO HIS APPLICATION
FOR A PARDON**

November 8, 2021

President of The United States Joe Biden
Whitehouse
1600 Pennsylvania Ave. NW
Washington, DC. 20500

**RE: PERSONAL LETTER BY JASON HERNANDEZ TO PRESIDENT JOE BIDEN IN
REGARDS TO HIS APPLICATION FOR A PARDON, WHICH HAS BEEN FILED WITH
THE PARDON ATTORNEY'S OFFICE**

Dear President Biden,

My name is Jason Hernandez. I am a criminal justice reformer, a youth advocate and a past clemency recipient and a resident of McKinney, Texas where I was born and raised

I am also a formerly incarcerated person with felonies on his record. I am writing to you in regard to a request for a Pardon that I have filed with the Pardon Attorney. I know a President's power to grant clemency is sacred and used only in the most extraordinary of circumstances, which it should be. However, I am asking that you exercise this power to restore me back to equal standing in the community.

In 2013, a very dear friend of yours, former President Barack Obama, granted me clemency, wherein he reduced my sentence of life without parole to 20 years. Ultimately, I was released in 2015 after spending nearly 18 years of my life in prison.

In my request for a commutation of sentence, I also wrote President Obama a letter. In this letter I explained to him that I was extremely sorry for the conduct that resulted in my incarceration. It was during my incarceration that I came to fully understand the impact that my crimes had on my family, my community and society as a whole. I feel just as remorseful about my past behavior as I did when I wrote that letter to President Obama.

Also, in my letter to President Obama, I promised him that *"...if I were given a second chance at life, I would not let [him], my family, or society down. I would do everything I could to right what I have wronged and try to prevent kids from making the same mistakes I did when I was young."*

President Biden, I have been out nearly six years. I can tell you that I have lived every day of my life since my release to fulfill that declaration, whether it is helping people serving life without parole obtain clemency and freedom or mentoring youth in my community so that they will not end up in prison.

I make the same promise to you, President Biden, that I will continue living out this promise each and every day I am on this earth.

I will never forget the impact my behavior had on my family or community. This is something I will forever live with. A pardon will never change that.

I don't seek any type of vindication from you, President Biden. I seek a pardon to remove the stigma that now accompanies my name: e.g., ex-con, formerly incarcerated, felon — so I will be viewed by society as we all should: as a human being.

I hope that after you read my Petition requesting a Pardon you will find good cause to relieve me of the label of being called a felon, so that I may enjoy the basic civil and human liberties that all Americans have been bestowed.

I thank you for your time and consideration of this Petition, President Biden.

May God bless you and this great country!



Jason Hernandez



Certification and Personal Oath

I hereby certify that all answers to the above questions and all statements contained herein are true and correct to the best of my knowledge, information, and belief. I understand that any intentional misstatements of material facts contained in this petition may cause adverse action on my petition for pardon, in addition to subjecting me to any other penalties provided by law.

In petitioning the President of the United States for pardon, I do solemnly swear that I will be law-abiding and will support and defend the Constitution of the United States against all enemies, foreign and domestic, and that I take this obligation freely and without any mental reservation whatsoever, So Help Me God.

Respectfully submitted this 8th day of November, 2021.
(month) (year)

[Signature]
(signature of petitioner)

Subscribed and sworn before me this 8th day of November, 2021.
(month) (year)

Notary Public: Madeleine Cloutier
My commission expires: 03/30/2022

(SEAL)

