

# STATE OF INDIANA

## EXECUTIVE DEPARTMENT INDIANAPOLIS

EXECUTIVE ORDER 19-02

**FOR: GRANT OF CLEMENCY FOR BERTO N. DOOLEY**

TO ALL WHOM THESE PRESENTS MAY COME, GREETINGS.

**WHEREAS,** Berto N. Dooley, who has petitioned for a grant of clemency, was convicted in 2003 in Elkhart County Circuit Court for the crime of Possession of Cocaine in Excess of Three Grams with Intent to Deliver, a class A felony, and with being a Habitual Substance Offender, and was sentenced to a total of 45 years imprisonment;

**WHEREAS,** the petitioner committed the offense when he was 24 years old, some 16 years ago; and now at age 40 has less than 2 years remaining on the executed portion of his sentence;

**WHEREAS,** the petitioner has actively and extensively undertaken efforts to better himself while incarcerated, first completing his G.E.D., then obtaining an associate's degree in biblical studies, and finally obtaining a bachelor's degree with honors in organizational management;

**WHEREAS,** the petitioner has worked to assist other offenders by being a mentor and a tutor to those seeking a G.E.D.;

**WHEREAS,** based on the extensive and successful rehabilitation efforts by the petitioner, he was transferred to a Short Term Offender Facility which allows him to work outside of a custodial setting and, since May 2017, the petitioner has worked for various components of state government, including the Indiana Archives and Records Administration and the Department of Administration and has earned praise as a motivated, responsible, and reliable employee from those who have supervised him;

**WHEREAS,** the petitioner's request for clemency is supported by family, friends, and public officials who have witnessed the transformation of the petitioner over the years;

**WHEREAS,** the petitioner has a projected release date onto parole of July 2021;

**WHEREAS,** the Indiana Parole Board, after careful investigation, review and examination of the facts with respect to petitioner in this matter, has unanimously recommended the Governor issue a commutation of sentence to the petitioner; and

**WHEREAS,** pursuant to Article 5, Section 17 of the Constitution of the State of Indiana, the Governor is empowered to grant 3 types of clemency:

- pardons – which allows a person to be absolved of guilt for a crime;
- commutations – which is reducing a penalty for a particular criminal offense without affecting the conviction; and
- reprieves – which is postponing or suspending of the imposition of a sentence or a portion of a sentence.

**NOW, THEREFORE, I, Eric J. Holcomb**, Governor of the State of Indiana, by virtue of the authority vested in me by the Indiana Constitution and the laws of our State, do hereby order that the original sentence be commuted by suspending the remainder of the executed portion of the sentence, conditioned on the following:

1. The petitioner shall successfully complete a period of six months of home detention as developed by the Department of Corrections.
2. If the Parole Board determines the petitioner merits parole release after the condition set forth in paragraph 1 is satisfied, then the petitioner shall be released on parole in accordance with the provisions of Ind. Code § 11-13-3 and its related rules and procedures of the Indiana Parole Board.
3. In the event the petitioner fails to successfully complete the home detention program specified above, or any of the conditions thereof, or in the event the petitioner violates the conditions of parole, the original sentencing and commitment order shall be reinstated, and the petitioner shall be returned to the custody of the Department of Correction to complete the balance of such term.



IN TESTIMONY WHEREOF, I, Eric J. Holcomb, have hereunto set my hand and caused to be affixed the Great Seal of the State of Indiana on this 20<sup>th</sup> day of November, 2019.



Eric J. Holcomb  
Governor of Indiana



ATTEST: Connie Lawson  
Secretary of State