

## Ohio Reprieve Power

The Ohio Constitution vests Governor Dewine with “power, after conviction, to grant reprieves, commutations, and pardons, for all crimes and offenses, except treason and cases of impeachment, upon such conditions as the governor may think proper; subject, however, to such regulations, as to the manner of applying for commutations and pardons, as may be prescribed by law.” Ohio Const. Article III, Section 11.

In other words, the legislature may regulate the “manner of applying for commutations and pardons,” but not reprieves. According to the Supreme Court of Ohio, the governor’s power to grant reprieves is “unfettered, [and] any regulation by the General Assembly that acts to limit the Governor's power to grant . . . reprieves is a violation of the Constitution.” *State ex rel. Maurer v. Sheward*, 1994-Ohio-496, 71 Ohio St. 3d 513, 523, 644 N.E.2d 369, 377.

Although an Ohio statute provides that “applications for pardon, commutation of sentence, or reprieve shall be made in writing to the adult parole authority,” Ohio Rev. Code Ann. § 2967.07, the governor may grant reprieves unilaterally, without complying with this provision. *See Sheward*, 71 Ohio St. 3d at 644 (“To the extent that the regulatory scheme under R.C. Chapter 2967 places limits or preconditions on the Governor's power to grant [] reprieves, it is unconstitutional and void.”).

By exempting reprieves from statutory regulation, the state constitution enables the governor to act swiftly in times of emergency.