



IN THE OFFICE OF THE GOVERNOR  
STATE OF IDAHO

**In the Matter of the Pardon** )  
**Application of** )  
 )  
**ROBERT FRANK THORNTON** )  
\_\_\_\_\_ )

**I. INTRODUCTION**

The Commission of Pardons and Parole has voted unanimously to recommend a full pardon of Robert Frank Thornton (“Applicant”). Because the Applicant was convicted of a serious offense, the Commission’s recommendation is subject to my approval or disapproval pursuant to Idaho Code section 20-240.<sup>1</sup>

On April 15, 1992, the Applicant pled guilty to two counts of delivery of a controlled substance under Idaho Code § 37-2732 in the Fourth Judicial District, Ada County. On June 22, 1992, the Applicant was sentenced for an aggregate term of ten (10) years, to be served as follows: a minimum period of confinement of three years followed by a subsequent indeterminate period of custody not to exceed seven years along with a fine of \$10,000. The sentencing judge later reduced the Applicant’s minimum sentence to two years. Subsequently, the Applicant was released on parole, completed a term of community service, paid his restitution in full, and was ultimately granted an early discharge by the Parole Commission on September 27, 1996.

Clemency is undoubtedly one of the most significant and important authorities reserved to a sitting governor. Typically, the power to pardon is used to rectify a miscarriage of justice or to correct an anomaly in the judicial system. The more difficult exercise of this authority arises

---

<sup>1</sup> Idaho Code § 20-240 provides that the Commission of Pardons and Parole shall have the full and final authority to grant commutations and pardons except for the following offenses: murder; voluntary manslaughter; rape; kidnapping; lewd and lascivious conduct with a minor child; and manufacture and delivery of controlled substance. Under those enumerated offenses, “the Commission’s determination shall only constitute a *recommendation* subject to the approval or disapproval by the Governor.” *Id.* (emphasis added).

in situations where the Applicant is attempting to fully rectify a past offense. This second scenario involves carefully weighing the facts and critically reviewing the Commission's recommendation. I believe there must be instances where a pardon is the proper course of action; otherwise, the rehabilitative aspect of our criminal justice system will be perceived as a meaningless exercise.

After a review of the full record before the Commission, and based on the totality of the circumstances, I hereby pardon Robert Frank Thornton.

## **II. REQUEST FOR PARDON**

The Applicant, age 57, seeks a pardon based on his solid track record as a productive member of society. Since his release, he has committed himself to a crime and drug free life. He would like his permanent record to reflect these accomplishments and demonstrate that people can rectify their past mistakes. Moreover, the Applicant is concerned that future background checks, in his supervisory capacity with his company, will negatively impair his employer's ability to obtain future work.

## **III. THORNTON FACTUAL BACKGROUND**

The Applicant's conviction was the result of an undercover operation in Ada County investigating the sale of cocaine and based on the following facts:

- January 3, 1992: The Applicant sold 13.5 grams of cocaine.
- January 11, 1992: The Applicant accepted \$850.00 in prerecorded money from undercover narcotics detectives. Reports did not specify whether the Applicant exchanged narcotics for the money on that date.
- January 27, 1992: The Applicant sold 48.5 grams of cocaine for \$2175.00.
- February 24, 1992: The Applicant sold 109 grams of cocaine for \$5500.00.
- March 27, 1992: The Applicant sold 31.5 grams of cocaine for \$1500.00.

## **IV. ANALYSIS**

Because the instant application for pardon does not involve lingering questions of guilt or to address an anomaly in the judicial system, the decision whether to grant a pardon rests on a careful weighing of the record before the Commission. As I have reviewed the Commission's record, three essential factors aided in my decisionmaking process, including: the nature of the crime; likelihood of recidivism; and demonstration of personal rehabilitation. Those factors buttress my conclusion that the Applicant is genuinely penitent and rehabilitated for the crimes committed sufficient to warrant a gubernatorial pardon.

### **A. Nature of the Crime**

As evidenced by Idaho Code § 20-240, the sale and delivery of a controlled substance is a serious offense. Owing to the fact that this particular crime is treated the same for clemency purposes with murder, manslaughter and rape further evinces the gravity of manufacturing and selling drugs.

To this end, nothing in this grant of pardon should be construed as any acceptance of this crime. I do not condone the sale or manufacture of illegal drugs. Notwithstanding these concerns, there are several mitigating factors that weigh in favor of clemency under the instant application for pardon.

First, nothing in the record indicates the Applicant targeted children or was part of a larger drug operation. Second, this was the Applicant's first and only arrest. Likewise, he does not dispute the facts in the police report and is now grateful for the treatment and counseling he received. (Pardon Investigation, Dec. 5, 2011).

### **B. Likelihood of Recidivism**

Another guiding principle in this analysis is the likelihood of recidivism. There are two important prongs to this consideration: (1) whether the Applicant has successfully completed his rehabilitation, including all necessary requirements for restitution; and (2) whether the Applicant has genuine remorse for the crimes committed.

Here, the Applicant's successful track record in serving his sentence with exemplary conduct, completing his community service, and receiving an early discharge from the Commission were highly persuasive. For example, the Applicant's conditions of parole provide insight into the type of commitments that were necessary for his rehabilitation:

Remain alcohol free. Do not enter any establishment where alcohol is the main source of income. Obtain a substance abuse evaluation at your own expense and as directed by your supervising officer; enroll in and successfully complete all recommended programs.

(Commission Minutes; Parole Hearing Nov. 18, 1993). The Applicant also paid the \$10,000.00 fine associated with his crime.

More importantly, and according to the pardon investigator, "Mr. Thornton is a far different man than he was in 1992. He demonstrates remorse for his actions and this investigator acknowledges his pro-social behavior and positive work history since his release from prison." (Pardon Investigation, Dec. 5, 2011). Accordingly, the investigator **strongly** recommended a pardon to the Commission.

Based on a review of the record, and other than a speeding ticket in 1991, Mr. Thornton has had no citations from law enforcement. (Commission Minutes, Dec. 14, 2012). This background speaks volumes about his commitment to take the necessary steps to fully conform himself to the strictures of the law.

Likewise, the record confirms genuine contrition on the part of the Applicant. The Applicant told the Commission his involvement with cocaine was “the single biggest mistake” he made. (Commission Minutes, Dec. 14, 2012). And, his desire to obtain clemency stems from his belief that it is possible to “get out of the system” and to rectify past mistakes. (Commission Minutes, Dec. 14, 2012). Again, the fact that since the Applicant’s release from custody – **over seventeen years** – he has been a law-abiding citizen is highly persuasive evidence that the Applicant’s likelihood of recidivism is virtually non-existent.

### **C. Demonstration of Personal Rehabilitation**

Lastly, the Applicant must demonstrate a commitment to a crime and drug free life. The Applicant demonstrates this through stability in his personal life as well as a show of community support.

Mr. Thornton has been married for over seventeen years and is actively involved in raising his children, three of whom are his wife’s children from a previous relationship that the record confirms the Applicant has treated as his own. Upon release, the Applicant rented a home for one-year and then purchased the home he has resided in with his family since that time. (Commission Minutes, Dec. 14, 2012). This demonstration of familial stability was crucial in my analysis.

The Applicant’s work history is equally persuasive. The Applicant went to work for the Russell Company as a carpenter in 1993, has risen through the ranks, and is now a construction superintendent with that same company. (Commission Minutes, Jan. 17, 2013). The stability in his residence, family and employment evinces a strong commitment to maintain his commitment to rehabilitation.

Additionally, the Applicant received several letters in support of clemency. (Pardon Investigation, Dec. 16, 2011). Each letter reinforced the notion that the Applicant has made a concerted effort to permanently rehabilitate himself. Moreover, the letters further confirm the stability in the Applicant’s familial relationships.

It is important to reinforce that the instant application does not in any way diminish my commitment to enforcing the drug laws of our state. There is no such thing as a victimless crime. As stated previously, however, I believe there is a point where the Applicant through his actions should be entitled to a full and fair review of his attempt to close this chapter in his life. Likewise, my expectation is the Applicant will continue to demonstrate a strong commitment to his family and community.

After a review of the Commission’s record, I concur with the following assessment from the pardon investigator: “He [the Applicant] has maintained stability with his family, residence, employment and sobriety since his arrest in 1992. He appears to have learned from his past,

demonstrates remorse, and meaningfully participated in treatment well beyond his release from parole.” (Parole Investigation, Dec. 5, 2011).

Based on the Commission’s unanimous recommendation, the investigator’s strong recommendation, and my review of the record, I am convinced that Mr. Thornton has satisfied the demands of justice.

**V. DECISION OF GOVERNOR OTTER**

Based on the foregoing, the Applicant has met his burden of showing he appreciates the nature of his crime and that he has fully rehabilitated himself. Further, I am persuaded the Applicant has demonstrated a solid track record establishing that he is and will continue to be a productive member of society. I therefore conclude the Applicant is entitled to close this chapter in his life.

By the authority vested in me, I, Governor C.L. “Butch” Otter grant Robert Ray Thornton’s application for full pardon.

DATED: April 8, 2013

STATE OF IDAHO

COMMISSION OF PARDONS AND PAROLE

\*\*\*\*\*

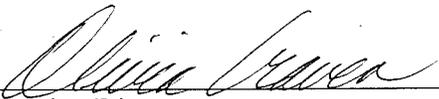
BEFORE THE IDAHO COMMISSION OF PARDONS AND PAROLE, BOISE,  
IDAHO

IN THE MATTER OF THE PARDON OF ROBERT FRANK THORNTON,  
APPLICANT.

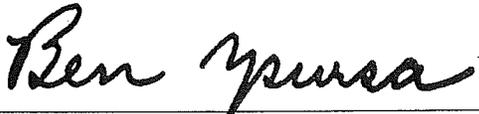
THE IDAHO COMMISSION OF PARDONS AND PAROLE, being fully  
advised, completely and unconditionally pardons ROBERT FRANK THORNTON for  
the commission of the crime of Felony Delivery of a Controlled Substance, Counts II,  
Case #18930, for which he was sentenced on the twenty second day of June, nineteen  
hundred and ninety two, in the Fourth Judicial District Court, in the County of Ada, State  
of Idaho.

SAID PARDON restoring to the applicant all civil, political, and other rights  
enjoyed prior to the commission of the crime.

IT IS SO ORDERED this eighth day of April, two thousand and thirteen, in  
Boise, Idaho.

  
Executive Director  
Parole Commission

  
Governor  
State of Idaho

  
Idaho Secretary  
of State

