

Application for Help from *Earning Another Look (EAL)* Revised 6-27-22

Indiana judges and prosecutors have broad powers to give sentences another look and modify them downward. But they always first expect inmates to show *outstanding* efforts at self-improvement and trustworthiness. So, your chances at a sentence modification are almost entirely up to you.

If you (1) have demonstrated *at least two years of serious commitment to such efforts* and (2) lack funds to retain counsel, you can apply to the *Earning Another Look (EAL)* Program for legal representation on a possible sentence modification petition. The Program is administered by Mr. Charles Asher and Hon. Michael P. Scopelitis (retired).

Four important notes at the start:

1. This Application can be very stressful. Use patience and any counseling you need.
2. *EAL* handles only cases seeking sentence modification—and not any post-conviction cases or other challenges to convictions. Inmates with those cases should submit them to private attorneys or (if without funds) to: Indiana State Public Defender, One North Capitol, Suite 800, Indianapolis, Indiana 46204.
3. Applications must carefully follow all the directions in this Application. ***Be aware that preparing complete answers can easily take 20-80 hours.***
4. Above all, applicants should realize that sentence modifications are rare and require the strongest possible work by an inmate toward acceptance of responsibility and self-improvement. Do not apply unless you have a record over at least the last two years of outstanding daily efforts at self-improvement and trustworthiness.

Pages 1-4 of this Application give important guidance on whether a case is presently right for *Earning Another Look*.

Our review of a case includes three Stages.

- I. **Stage I:** As well as continuing efforts at self-improvement, an inmate should prepare ***complete and accurate*** answers to the questions on pages 5-9 here. We consider even this information to be confidential attorney-client communication. Answers should be typewritten or in neat handwriting—and then (with the Authorization, Waiver, and Release from p. 10) mailed to:

Law Offices of Charles A. Asher
1075 Broad Ripple Ave, #258
Indianapolis, IN 46220
- II. **Stage II:** If *EAL* accepts an inmate's case, its representation will initially be limited to information gathering. The client must continue to cooperate in the modification effort by (a) continued excellent self-improvement and responsible conduct, (b) complete and honest communication with *EAL*, and (c) constructive communication with family and others willing to assist the effort at modification.
- III. **Stage III:** After collection of this expanded information, *EAL* will advise the client on possible options, including *EAL*'s contact with the prosecutors, its drafting of a modification petition, its representation of the client, or its cooperation with local attorneys.

The Profile of an EAL Client

Sentence modifications are rare, and they depend mostly on what an inmate does daily during incarceration. The following traits of clients accepted by EAL can help you consider whether your case is ready for EAL's consideration.

1. **Focus on sentence modification, not post-conviction or other challenges to convictions:** EAL clients aren't challenging convictions; they're creating records for why their sentences should be reduced.
2. **Honesty:** Successful clients need to be honest—in their lives and in their cases. In petitions for sentence modification, the burden is on inmates, and only honest accounts of longstanding conscientious self-improvement stand a chance of success.
3. **Examination of oneself instead of others:** Clients with chances at modifications don't waste energy examining or judging others. They focus on examining and improving themselves.
4. **Continual hard work:** Clients with chances at modifications know there are no shortcuts to this unusual legal relief. Every single one has worked daily on their self-improvement and has dedicated thousands of hours to it. They know there are no guarantees, but they also know chance favors the hard-working. *They are currently actively involved in all available classes, programming, volunteer, and other self-improvement opportunities.*
5. **Acceptance of responsibility:** Clients with chances at modifications accept responsibility. Period.
 - a. They admit and actively address any contributions they have made to their circumstances.
 - b. If alcohol or others drugs have been an issue in their lives OR any of their cases, for at least two years they have known by memory (and been actively using) the Steps of AA or NA, or some other established recovery program.
 - c. Whatever they claim to be using to improve their lives, they study it, know it frontwards and backwards, and use it daily.
 - d. They think of those they've hurt, not cared for, or not cared about—and work to make things as right as possible for each of these people.
 - e. They uphold all their responsibilities.
 - f. If they have incorrectly denied guilt or responsibility before, they honestly address why they delayed accepting responsibility earlier.
6. **The right associations:** They choose relationships with responsible people dedicated to their growth—and end relationships that are destructive.
7. **Teamwork with us:** They take to heart advice like this—and the 10 Tips on pages 3-4 in the EAL Application. They listen to our advice—and, unless there's a strong reason not to, they follow it.

10 Tips on the Real Preparation for a Sentence Modification Petition

These tips (some based on James Cleary’s book *Atomic Habits*) are for your serious consideration. We think a successful *EAL* client will want to use as many of these as possible.

But know that people who matter in your life and in your case will care about your constant growth.

1. Accepting that it’s up to me. Only I can build the honest record that I deserve special consideration on my sentence. As Stephen Covey puts it, “Any time you think the problem is out there, that very thought is the problem.”

“Always bear in mind that your own resolution to succeed is more important than any other thing.” —Abraham Lincoln

2. Appreciating the power of continuing progress. Almost nothing compares with the power of *steady continuing progress*. If increased just 1% a day, \$100 becomes \$3,778 in just a year. That’s right, over 37 times as much. Likewise, if I increase my life capabilities just 1% a day for a year, I can claim 37 times the life capabilities I started with. *I don’t do time, I use time.*

“Everything comes to him who hustles while he waits.” —Thomas Edison

3. Choosing the right people. I’ve ended all relationships that are harmful to my growth. I’m constructively connected with (a) at least three other inmates seriously committed to their growth, (b) at least one supportive staff member, and (c) the right people on the outside. I’m a help to all of them, and I encourage them to hold me accountable.

“You’re the average of the five people you spend the most time with.” —Jim Rohn

4. Dumping what doesn’t help and building up what does: I grade as “Good” or “Bad” all my habits. These include whatever I’m doing regularly—good or bad: Working (or ignoring) my Success Plan, Watching lots of TV, Exercising, Complaining and blaming, Accepting that success is up to me, Helping something worthwhile, Doing (or missing) assignments, etc. *To make room for success, I start by getting rid of the Bad!* I write out what I’m *dumping* and what I’ll be doing *instead*, and I read and update these lists at least weekly.

“Things that matter most must never be at the mercy of things that matter least.” —Goethe

5. Using affirmations: I have 3 positive, present-tense affirmations—and I put them where I see and read them every day. Here are some examples (along with these 10 Tips themselves!).
 - a. “I have and regularly update an excellent written Success Plan.” (Notice this is *positive* and *in the present tense*—*I have*—even if this is something in the future.)
 - b. “Every day I read—and work hard on—some things in my Success Plan.”
 - c. “I accept I’m 100% in charge of the kind of person I am.”

“The world stands aside to let anyone pass who knows where he is going.” —David Starr Jordan

6. Knowing and actually using what I choose: Whatever I choose to use (the *12 Steps of A.A./N.A.* or Covey's *7 Habits of Highly Effective People*—whatever), I can explain all of it and say how I'm using it. I'm excited and prepared for the day a judge asks me about them.

- a. "What's Step 1—and how are you using it in your life?"
- b. "What's Habit 3—and why is it important to you and your staying clean and sober?"

*"It is always well to remember that success is a ladder,
not an escalator."* —Edward Pailleron

7. Getting and staying organized: I'm organized in at least 3 specific ways. Some possibilities:

- a. My written Success Plan has separate sections for each of the tasks I'm working on (for example, My good and bad habits, My recovery and the 12 Steps; Amends I'm preparing; My relapse prevention plan; My 7 Habits work; My relationships; Current growth/change projects, Favorite quotes, My memorization work; etc.).
- b. I keep an updated 2-part To-Do List: (i) the things I must do today and (ii) the things I am getting to very soon.
- c. Every week I review my work and progress with a supportive person.

"Organize and execute around priorities." — Stephen Covey

8. Linking good habits: I link each good habit to a specific *event, time, and place*. Examples:

- a. After every [breakfast, class, lunch, whatever], I work for an hour at my desk on the items in my Success Plan.
- b. Before every dinner at the Day Room, I review Success Plans and progress with my study partners, check our memorization of the *7 Habits* quotes we've each chosen, etc.
- c. After dinner at my bunk I chart my achievements for the day in my Success Plan.
- d. At my desk after breakfast each Sunday, I write letters to 3 of my family and supporters.

*"Unless a man has trained himself for his chance, the chance
will only make him ridiculous."* — William Matthews

9. Never missing twice: My progress is constant. If I ever miss a day of hard work on my Success Plan, I absolutely never miss twice in a row. As soon as possible, I get back on the success road I've chosen.

*"If you have made mistakes . . . there is always another chance for you. . . .
You may have a fresh start any moment you choose, for this thing we call failure
is not the falling down but the staying down."* — Mary Pickford

10. Being valuable immediately: I live my growth toward being a builder on the outside by what I do here every day for others. I remember I'm aided whenever I help (a) people who deserve my help and (b) settings that deserve my help (my facility, my unit, my dorm, etc.).

*"No man can sincerely try to help another
without helping himself."* —Ralph Waldo Emerson

Questions for inmates interested in applying for help from *Earning Another Look (EAL)*

Instructions: Inmates must start with *complete* and *honest* answers to the following questions. Plan to spend at least 20-80 hours preparing your Application. Observe these 5 instructions:

- A. Read and carefully follow everything on pages 1-4 of this Application.
- B. No binders, please! Just use regular 8½ x 11 paper.
- C. Typed answers are best; handwritten answers must be neat and easily read.
- D. Number your pages.
- E. **IMPORTANT:** Be sure to put the following **numbers**, **letters**, and **Underlined headings** at the start of each of your answers. Applications without these will have to be rejected.

[Your name]'s Application to *Earning Another Look*

1. **Personal info:**
 - a. **Full legal name** (and the first name or nickname you like to go by):
 - b. **Inmate number and mailing address:**
 - c. **Total sentence** (describe all details):
 - d. **Time served so far and projected release date:**
 - e. **Time cuts so far** (length of cuts and the reasons):
 - f. **Rate of good time credit** (for ex., 1 day for every day served, 1 day for every 6 days served, etc.):
 - g. **Sex/gender:**
 - h. **Age and date of birth—and age on date of offense:**
 - i. **Race:**
 - j. **Date of EAL Application:** The date of mailing this Application to Mr. Charles A. Asher.
2. **Prior EAL Applications?:** Have you applied before to *EAL*? (If so, please explain the details of that application, when it was submitted, and what happened with it.)
3. **Most on my mind:** What's most on your mind today? And why?
4. **Safety:** How safe do you feel today overall (Very safe, Somewhat safe, Somewhat unsafe, or Very unsafe)? Please say why.
5. **Current representation:** What legal representation or legal help do you have now? Please share all details about this (who it is, what they're working on, etc.).
6. **Future representation:** Do you or your family have funds to hire an attorney? (If so, *Earning Another Look* may be able to refer you to a private attorney.) Also what are the names and
7. **Past representation in this case:** Starting with the earliest and moving forward, please give a numbered list of each attorney who has represented you in this case. For each attorney, please give their (a) name, (b) any contact information you have (address, phone number, email address, etc.), (c) stage of the case where they represented you (plea, trial, appeal, postconviction, attempted sentence modification, etc.) and (d) a description of how well you worked together.
8. **Details of current case(s):** The following details of your current case(s) and sentence(s). Please answer all subparts (a-p) in separate paragraphs.
 - a. **Offense:** Name and Level/Class (and statute) of each offense you're serving time for—for example, Aggravated battery, a Class B felony (IC 35-42-2-1.5) or Robbery, a Level 2 felony (IC 35-42-5-1). Plus a FULL description of what happened and what you did.

b. Important dates

- i. **Date of arrest:**
- ii. **Date of guilty plea:**
- iii. **Dates of trial:**
- iv. **Date of sentencing:**
- v. **Dates of any decisions on appeal or post-conviction petition** (give result with each date):
- vi. **Dates of any rulings on sentence modification requests** (give result with each date):

- c. **County/Countries:** The county (or counties) where the charges were brought.
- d. **Prosecutor(s):** The prosecutor(s) on your case(s) and how fair you think they were (and exactly why you say this).
- e. **Judge(s):** The judge(s) on your case(s) and how fair you think they were (and exactly why).
- f. **Trial?:** Did you go to trial on any of these charges/offenses you're serving time for? If so, say exactly why you went to trial AND describe that trial, the issues, and the outcome.
- g. **Plea?:** Did you have a plea agreement? If so, state exactly why you pled guilty and what the agreement was. If you have it, please send a copy of your plea agreement with your *EAL* Application.
- h. **Sentencing memos:** Did the prosecution, your attorney, or the judge file any sentencing memos or pleadings? If so, what were these—and can you provide us with copies?
- i. **Providing key documents:** Do you have a copy of your charges, guilty plea (if any), and presentence investigation report (PSR)? If so, please send us copies. *No copies of any documents can be returned.*
- j. **Other important documents:** Please give a numbered list of other documents you think we should know about. (Just list these; don't send anything except your charge, guilty plea, and PSR.)
- k. **Disputes with presentence report (PSR):** Do you disagree with anything in your presentence investigation report (PSR)? If so, please state exactly what you think is incorrect and what correction you would want to make. (This can be information left out as well as anything that is incorrect.)
- l. **Statements at sentencing:** Explain in a separate paragraph what each of these said at sentencing: (i) Each victim or witness, (ii) prosecutor, (iii) your attorney, (iv) you, (v) judge, and (vi) anyone else.
- m. **Disagreement with the prosecution?:** Do you disagree with the prosecution about anything in your case (your guilt, what you did, the fairness of any verdict or sentence, etc.)? If so, please explain exactly that those disagreements are.
- n. **Other current sentences or charges:** Do you have any other current sentences, charges, detainers, or upcoming charges or cases? If so, please describe these in detail.
- o. **Co-defendants:** Please list any, their exact involvement, and the outcomes of their cases.
- p. **Past appeals, PC petitions, modification petitions, etc.:** Starting with the earliest and going forward, please give a numbered list of all past appeals, postconviction petitions, motions or letters for sentence modification, or any other legal actions you have taken. (For each, include the dates, the action you took or filed, any attorneys involved, the exact grounds, and the outcome.)

9. Reflections on case:

- a. **Opinion of charges:** How correct and fair do you think the charges were? Why?
- b. **Cause of involvement:** What led to your involvement in the charged events?
- c. **Other causes:** What other things do you think led to these events?
- d. **Victims:** Who were any victims? What are your feelings about them and their families?
- e. **Other thoughts:** What else should we know about your case?

10. Past juvenile cases: Starting with the earliest to the most recent, please give a numbered list of all juvenile cases you've had. Include the details of each, including the dates, the charge, what you did leading to the charge, the outcome, and how you did in any detention or probation. Include any other important details.

11. Past adult cases: Starting with the earliest to the most recent, please give a numbered list of all adult cases you've had. Include the details of each, including the dates, the charge, what you did leading to the charge, the outcome, the sentence, whether the case and sentence are closed or still open, how you did in any incarceration, probation, or parole. Include any other important details.

12. **Greatest accomplishments and acts of giving:** What do you consider your greatest accomplishments and acts of giving? And other things you're most proud of? Please be as specific as possible about these—*and how you would like to build on these in the future.*
13. **Education:** Please describe your education, including how far you went in school, the name of your last school, how much you liked school, how successful you were, and any other important details.
14. **Physical health:**
- a. **Health overall:** Choose one of these to describe your physical health: Good (2/2), Fair (1/2), or Poor (0/2)—and describe any health problems you currently have.
 - b. **Head injuries:** Have you had any head injuries or times of unconsciousness? Give the details.
 - c. **Current care and medications:** What medical care and medications are you now receiving?
15. **Family and other important relationships:**
- a. **Current close relationships in prison:** Give a numbered list of each person you spend the most time with in prison. Describe your relationship and how you either help or hurt each other's growth.
 - b. **Current close relationships on the outside:** Give a numbered list of each of the people on the outside who are most important to you (or who are most involved with you). For each person, state their relation to you (for example, my brother, my mother, my father, my best friend on the outside, etc.), something about their good character, what your interaction is today, and why this person is important and helpful to you.
 - c. **Children:** Please list your children and for each one please describe their circumstances (including ages, who they live with, how they're doing, and what your relationship with each has been).
 - d. **Past healthy relationships worth reviving:** Are there other helpful people in your past you could reconnect with now? Who are they, and what plans do you want to make to reach out to them?
16. **PTSD/Repeating bad memories or nightmares:** Do you have repeating memories or nightmares about some shocking event(s) you've seen or experienced? If Yes, please share as much as you can of the details of those events and the problems you still have from them (memories coming to you even if you don't want them, nightmares, dealing with things that remind you of these events, keeping relationships, etc.). If No, please tell us about the most shocking or difficult things you've ever seen or experienced?
17. **Childhood:** Please describe your childhood. Please include where you grew up, the people who raised you and lived with you and your relationships with each, the best parts of your childhood, the hardest parts of it, and anything else you think is important.
18. **Alcohol/drug use and recovery:** Please describe in detail your alcohol and drug use and problems have been. State exactly (a) what your usage has been, (b) whether alcohol or drugs were involved in your current case or any others (and exactly what that was), (c) what other problems alcohol and drugs have played in your life (arrests, relationships, jobs, etc.), (d) what *exactly* you have done and will be doing to remain clean and sober, and (e) whether you know the 12 Steps by heart and use them every day.
19. **Counseling:** Starting with the earliest to the most recent, please give a numbered list of all counseling you've ever had. For each, please include what it was for, who it was with, when, the approximate number of sessions, how helpful you think it was, and what you took from it.
20. **Suicidal thinking or actions:** Have you ever attempted suicide or seriously considered suicide? If so, please carefully describe this (when, causes, and help you received, etc.).
21. **Mood, functioning, mental health:** Please describe in detail any issues you feel you have now with your mood, functioning, or mental health. (Describe in a separate paragraph each one you think applies to you. Don't list any that you don't have, but please consider each of these: (a) thoughts of suicide, (b) depression/unusual sadness, (c) thoughts of hurting others, (d) more anger than most people, (e) unusual shifts in energy, (f) trouble with attention or focus, (g) hyperactivity/trouble being still or calm, (h) an issue

with sex or sexuality, (i) memory problems, (j) thoughts that race or you can't control, (k) hearing things others don't hear, (l) seeing things others don't see, (m) feeling someone is out to get you or hurt you, (n) doing certain things over and over without a real reason, (o) finding it hard to have close relationships, (p) hurting yourself on purpose, or (q) something else you think *EAL* should know about.)

22. Employment history:

- a. **Jobs before incarceration:** Starting with the earliest to the most recent, give a numbered list of the jobs you've had before your present incarceration (including the names and addresses of employers, job duties, pay, periods of employment, and any other important information).
- b. **Jobs during incarceration:** Starting with the earliest to the most recent, give a numbered list of the jobs you've had during this period of incarceration (including your supervisors, job duties, periods of employment, job reviews, and any other important information).

23. Military service: Were you ever in the military? If so, please describe in detail that service, the best part of it, and the worst and most difficult part of it.

24. Education, classes, programs, and other self-improvement: From the earliest to the most recent, please give a numbered list of all classes, counseling, programs, and other efforts at self-improvement you have used since your sentencing. For each one, include these subsections: (a) Name and description, (b) Beginning and ending dates, (c) Number of sessions/work involved, (d) Outcomes and benefits for you, and (e) Whether a certificate or review was received. Send with your application copies of all certificates, reviews, commendations, etc.

25. Current classes, programs, and other special activities: Please name and describe all classes, programs, volunteer work, and other special activities you're involved in now—and the specific value you're seeing in them. State whether you are currently signed up for and involved in all possible classes, programs, and special activities available to you. And whether there's more you could be doing.

26. Most valuable self-improvement work: Please describe what you think have been the most valuable classes, programs, jobs, volunteer work, or other self-improvement work you've engaged in during your incarceration—*and exactly why*.

27. Description of all prison write-ups and conduct and discipline cases: Starting with the earliest and continuing through the most recent, state the following for each such case.

- a. **Date:** When.
- b. **Charge, write-up, or offense:** What exactly the prison claimed, and what you actually did.
- c. **Outcome:** Did you admit or deny? What was the outcome and any discipline?

28. Special reasons for release now?: Are there special reasons for your early release (special family needs, special work or education opportunities now, etc.)? If so, describe in detail.

29. Plans for success upon release. These subparts (a)-(m) cover your plans for success if released. Describe both what you've done and also what you'll be doing to prepare.

- a. **Residence:** Your living arrangements (where, with whom, etc.).
- b. **Employment:** Your employment or preparation for employment.
- c. **Finances:** How exactly you will support yourself.
- d. **Counseling:** Any counseling and its specific focus (if you choose to use it).
- e. **Drug, alcohol, and other recovery:** For example, A.A., N.A., IOP program, etc.
- f. **Constructive relationships:** The healthy relationships you will work on. (Please be specific about what these are and why they are important to you.)
- g. **Destructive relationships:** Ending and avoiding unhealthy relationships. (Be specific about what these unhealthy relationships are and why you want to end them.)

- h. **Destructive behaviors and patterns**: Ending behaviors and patterns that have harmed you or others. (Be specific about these and why this is important to you.)
 - i. **Special responsibilities**: Your specific support to any family or others, volunteering, making up for mistakes or harm you've caused, doing good for others, etc.
 - j. **Community benefit**: Anything specific you plan to do to help others if released.
 - k. **Goals, plans, changes**: What are your *specific* goals, *concrete* plans for achieving them, and the *actual* steps already taken and to be taken to succeed in each of these?
 - l. **Excellence**: How exactly you'll be living *excellently*—now and after release.
 - m. **Other**: Any other information about your release plans you think we should have.
30. **Support from prison staff or volunteers**: Are there any prison staff, educators, volunteers, or others willing to speak up about you? If so, for each person, please supply the following. Answer the following separately for each person. (So, if you have 3 responsible people willing to help in some way, fill out 3 sets of answers to a.-d. here.)
- a. **Person and position**: Person's name and position.
 - b. **Exact interaction**: Your interaction with this person (when, what, specifics showing the quality of this relationship, and anything else you think we should know).
 - c. **Contact information**: All contact information you have for this person (telephone number, street address, email address, office where they work, etc.).
 - d. **Anticipated statements from this person**: What this person would say about you.
31. **Other support**: Who are the other responsible people who can either (a) speak up for you in this modification effort or (b) offer help to you in succeeding after your release? Again, answer the following separately for each person.
- a. **Person**: Name and relation to you (for example, former coach, sister, high school teacher, corrections officer, volunteer at prison, prison counselor, longtime family friend, etc.).
 - b. **Trustworthiness**: This person's trustworthiness and good character (for example, "*Sgt. Williams has been a respected officer in my hometown and has mentored hundreds of kids at our church. [Add specifics]*"; "*My mom [helps where, does exactly what, etc.]*").
 - c. **Contact information**: All contact information you have for this person (telephone number, street address, email address, office where they work, etc.).
 - d. **Specific help**: Exactly how this person can help in a sentence modification effort, whether by speaking up for you (if so, state what you think they would say) or by offering you help on the outside (if so, please be *specific* about what they'll be doing for employment, housing, transportation, encouragement, accountability, etc.).
32. **Any other information I want to share**: Is there anything else you want us to know?
33. **Level of work on self-improvement over the last 2 years**: On a scale of 0-100 (with 0/100 being "Nothing" and 100/100 being "Constant daily work"), how would you rate this—and why? Be specific.
34. **Level of work on self-improvement over the next 2 years**: On a scale of 0-100 (with 0/100 being "Nothing" and 100/100 being "Constant daily work"), how would you rate this—and why? Again, be specific, including about what classes, programs, volunteer work, and other measures you'll be adding to what you've been doing in the past.
35. **Level of commitment to work with EAL attorneys and other volunteers**: Finally, the attorneys and others assisting *EAL* volunteer their valuable time. In 6-10 sentences, please say why they can count on you to cooperate with them and make excellent use of this opportunity.

Mail your *Authorization, Waiver, and Release* (from p. 10 here) with your Application—
and keep working hard to earn this help.

