

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 10-21957-CIV-LENARD  
(CRIMINAL CASE NO. 98-721-CR-LENARD)

GERARDO HERNANDEZ,

Movant,

vs.

UNITED STATES OF AMERICA,

Respondent.

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**UNITED STATES' NOTICE OF FILING EXECUTIVE GRANT OF CLEMENCY**

Undersigned counsel hereby files the attached Executive Grant of Clemency signed by the President of the United States on December 15, 2014.

Respectfully submitted,

WIFREDO A. FERRER  
UNITED STATES ATTORNEY

s/Anne R. Schultz  
Anne R. Schultz  
Assistant United States Attorney  
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TO ALL WHOM THESE PRESENTS SHALL COME, GREETING:

*WHEREAS* **GERARDO HERNANDEZ** (Reg. No. 58739-004) was convicted in the United States District Court for the Southern District of Florida (Docket No. 1:98CR0721-001) on an indictment charging violations of Sections 794(c), 1117, and 1546(a) of Title 18, United States Code, for which a total effective sentence of life imprisonment, five years of supervised release, and a special assessment of \$1,200 was imposed on December 12, 2001; and

*WHEREAS* the said **GERARDO HERNANDEZ** has been continuously confined since September 12, 1998; and

*WHEREAS* it has been made to appear that the ends of justice, foreign policy considerations, and the national security of the United States require that the aforesaid sentence not be served in its entirety;

NOW, THEREFORE, BE IT KNOWN that I, BARACK OBAMA, President of the United States of America, pursuant to my powers under Article II, Section 2, clause 1, of the Constitution, and in consideration of the premises, divers other good and sufficient reasons me thereunto moving, do hereby commute the aforesaid total prison sentence of the said **GERARDO HERNANDEZ** to expire on December 17, 2014, commuting also the term of supervised release in its entirety and remitting any unpaid balance of the special assessment, upon the following conditions:

- (1) the said **GERARDO HERNANDEZ** shall depart the United States on December 17, 2014;
- (2) the said **GERARDO HERNANDEZ** shall thereafter remain outside the limits of the United States, its territories, and its possessions;
- (3) the said **GERARDO HERNANDEZ** shall not accept or otherwise receive any financial benefit, directly or indirectly, in any manner or amount, from any book, movie, or other publication or production, in any form or media, about his situation;
- (4) the said **GERARDO HERNANDEZ** shall renounce any claim to benefits, including benefits under the Old Age, Survivors, and Disability Insurance Program, related to employment while in the United States; and
- (5) the said **GERARDO HERNANDEZ** shall waive and release any and all claims, demands, rights, and causes of action of whatsoever kind and nature against the United States of America, its agents, servants, and employees, including any actions challenging his conviction or sentence.

If, at any time, the said **GERARDO HERNANDEZ** violates any one or more of the aforesaid conditions, as determined by me in my complete discretion (or by a future President in his or her or complete discretion), this commutation may be voided in its entirety and, if the said **GERARDO HERNANDEZ** shall be found at any time within the United States, its

until the sentence as originally imposed on him by the court shall be served by him in accordance with law or until he is otherwise released in accordance with law.

IN TESTIMONY WHEREOF I have hereunto signed my name and caused the seal of the Department of Justice to be affixed. I hereby direct the Department of Justice to deliver to the Bureau of Prisons and to the prisoner a certified copy of this document as proof of my action.



*Done at the City of Washington this 15th day of December in the year of our Lord Two thousand and fourteen and of the Independence of the United States the Two hundred and thirty-ninth.*

**BARACK OBAMA**  
President

A handwritten signature in black ink, appearing to read "Barack Obama", written in a cursive style.