

WAIVER REQUEST

1. Name: Arthur Lee Foster
2. Date of Birth: Jan. 21, 1972 Sovial Security Number: 394-86-4374
3. Type of executive clemency requested: COMMUTATION
4. Have you applied for an eligibility rule before? Yes, I petitioned, Gov. Jim Doyle on Oct. 10, 2010 and was denied by Gov. Scott Walker on March 21, 2011.
5. Reason why waiver is required: I am currently incarcerated.
6. Mailing address:

Arthur L. Foster #213296
Waupun Corr. Inst.
P.O. Box 351
Waupun, WI. 53963

7. Home address: n/a
8. Telephone # n/a
9. Crimes for which you will request executive climency if waiver is granted.

Crimes:	Date of conviction	Sentence length
1. 1st-Degree Intentional Homicide	06-08-1995	P.E.D. Jan. 1, 2050
2. 1st-Degree Intentional Homicide	06-08-1995	P.E.D. Jan. 1, 2050

Count 2 Consecutive to Count 1.

10. Describe (do not just list) the crim(s) identified in 9 explain the circumstances surrounding the crime(s), why you committed the crim(s).

The homicides were the result of a home invation that went wrong. I' not sure what exactly happend. I was there, yet I was in a different room when the homicides were committed. The plan was to rob them of there money and then leave. My co-defend-ant had been employed/worked for the victims and had been fired by them. He said he wanted revenge on them becouse he had been fired by them and that he had been paid in cash by the victims, so he knew they had money.

11. Explain the extraordinary circumstances that you believe warrant a waiver of the Governor's Pardon Advisory Board Eligibility rule.

These are the reason's why I'm asking for a COMMUTATION modification of my sentence
On Jun. 08, 1995, I entered an Alford type plea for two counts of first degree intentional homicide. There was to be a joint recomondation by the two partoes that my parole eligibility date (P.E.D.) be set pursuant to Wis. Stats. §973.014(1)(a), consecutive with no penalty enhancing provisions imposed or added to the sentence.

On Jul. 14, 1995, at the sentencing, the court first sentenced me to two consecu- tive life sentences without the possibility of ;arole. At that point, the D.A. had

asked to approach the bench. After a short conference, the court had explained that the D.A. did not believe I could receive that sentence, the court gave the D.A. time to find case law to show his view. After a short recess the court have its view of the sentencing statute, and why the court believed that it could impose the sentence that it did. The D.A. then gave his view of the statute and the case law that would prohibit the life without parole. The D.A. then went on to say that he believed that the court could either impose a sentence by statute or that it could set a P.E.D. and that the court can set a date for parol that's so far into the future the defendant will not live to see it.

That sentence would fall under Wis. Stat. §973.014(1)(b). That is contrary to the plea agreement were the recomondation for parole was, Wis. Stat. §973.014(1)(a), consecutive with no penalty enhancing provisions imposed or added to the sentence.

This was a breach of the plea agreement and yet my attorney agreed with the D.A.

I was then re-sentenced and given a P.E.D. of Jan.1, 2050 on the two counts of homicide, consecutive.

From the time I was taken into custody, I have served a bit over 25 years. There have been some set-backs for me in that time. Though I've made many choices to help me and to change the person that I was. The biggest change is that I have not had a singal fight or any assalts. I've been expanding my education and am currently taking Computer Literature. I have completed Vocational Printing and Keyboarding.

Through my education I've found that I enjoy learning new things. And that my education has gone a long way toward my rehabilitation.

I'm not asking to be released from prison, I'm asking that my original plea agreement be imposed and if parole were granted, I would still have supervision for the rest of my life.

I know I should be punished for being part of such a horrendous crime. Yet, I'm asking to be allowed to show that prison does not have to be strictly about punishm-ent. That prison can be about changing our lives and becoming a better person. The person that I should have been.

Prison can be as much about rehabilitation as it is about the proper punishment if given a chance.

Thank you for any concideration you may give me.

I certify that the information in this application is to the best of my knowledge.

Applicant signature: Arthur Foster Date: 4-2-20