

## Application for Help from *Earning Another Look*

Revised 3-3-21

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 mostly up to you.

If you (1) have demonstrated at least one year 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).

Inmates can improve their chances of being selected into *Earning Another Look* (EAL) by honest and energetic self-improvement. In addition to the *10 Tips on the Real Preparation for a Sentence Modification Petition* on pages 5-6, here is some of what interested inmates must show.

- a. Acceptance of responsibility for any offenses and positive conduct while incarcerated.
- b. Development of constructive relationships with responsible people (both inside and outside the prison facility) and avoidance of negative relationships.
- c. Maximum participation in educational, counseling, recovery, life skills, and other self-improvement opportunities.
- d. Aggressively addressing any personal issues (such as drug or alcohol abuse, anger management issues, job training and job training, or many others).

*Earning Another Look* includes three (3) 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 2-4 here. We consider even this information to be confidential attorney-client communication. ***Be aware that preparing complete answers can easily take 20-80 hours.*** Do a careful job on this. Answers should be typewritten or in neat and easy-to-read handwriting—and then mailed to:  
  
Law Offices of Charles A. Asher  
1075 Broad Ripple Ave, #258  
Indianapolis, IN 46220
- II. **Stage II:** If the EAL Program accepts an inmate's case, its representation will initially be limited to further 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 the Program, and (c) constructive communication with family and others willing to assist the effort at modification (see page 7 below).
- III. **Stage III:** After collection of this expanded information, the EAL Program will advise the client on possible options, including the Program's drafting of a modification petition, its representation of the client to the prosecution and in court, and its cooperation with local attorneys.

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

To apply for assistance, inmates must start by submitting *complete* and *honest* answers to the following questions. ***Plan to spend at least 20-80 hours preparing your Application.*** Typed answers are preferred; handwritten answers must be neat and easily read. Be sure to put the following numbers, letters, and **Underlined headings** at the start of each of your answers.

### **[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. **Sex/gender.**
- d. **Date of birth.**
- e. **Closest current relationships** (describe each relationship separately and in detail).

2. **Date:** The date of mailing this Application to Mr. Charles A. Asher.

3. **Most on my mind:** What’s most on your mind today? And why?

4. **Current representation:** Other than *Earning Another Look*, what representation or legal help do you have now? (If you agree, we may work with an attorney you presently have.)

5. **Funds for counsel:** 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.)

6. **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 specific description of what happened, who did what, etc.
- b. **Date of arrest:**
- c. **Sentence(s):** Please include (i) your exact sentence(s), (ii) your sentencing date, (iii) the time you’ve already served (for example, *4 years and 3 months*), (iv) your projected release date, and (v) anything else you think we should know about your sentencing.
- d. **County/Counties:** The county (or counties) where the charges were brought.
- e. **Defense counsel:** The name, mailing address, email address, and phone number of your attorney(s) on your case(s)—and whether this was private counsel or a public defender.
- f. **Relationship with defense counsel:** Please describe your relationship with your attorney(s) (how well you’ve worked together, what relationship and communication you’ve had since your sentencing, and anything else you think we should know).
- g. **Prosecutor(s):** The prosecutor(s) on your case(s) and how fair you think they were (and why you say this).
- h. **Judge(s):** The judge(s) on your case(s) and how fair you think they were (and why).
- i. **Trial?:** Did you go to trial on any of these charges/offenses you’re serving time for? If so, please describe that trial, the issues, the outcome, etc.

- j. **Plea?**: Did you have a plea agreement? If so, describe what was agreed to by you and the prosecution, and please send a copy with your Application.
  - k. **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?
  - l. **Presentence investigation and report**: Do you have a copy of your presentence investigation and report? If so, can you provide us with a copy of this? (Also, if there's any incorrect or incomplete information in this, state exactly what and where that is.)
  - m. **Prosecutor, witness, and judge comments**: What did these people say at sentencing.
  - n. **Other sentences or charges**: Do you have any other sentences or any other current charges, detainers, or upcoming charges or cases? If so, please describe these in details.
  - o. **Co-defendants**: Please list any, their involvement, and the outcomes of their cases.
  - p. **Past appeals, PC petitions, modification petitions, etc.**: What past appeals, petitions for sentence modification, postconviction petitions (PCRs), or other legal actions have you taken? (Include the dates, attorneys, and grounds and outcomes of each of these.)
7. **Reflections on case**:
- a. **Opinion of charges**: How correct and fair do you think the charges were? Why?
  - b. **Cause of your 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**: Were there any victims? What are your feelings about them or their families?
  - e. **Other thoughts**: What else should we know about your case or your thoughts about it?
8. **Other cases**: Please give the dates and details of all cases as a juvenile or adult (charges, convictions, any sentences, how you did on bond, probation, or parole, etc.).
9. **Education, classes, programs, and other self-improvement**: From the earliest to the most recent, list 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 me, and (d) Whether a certificate or review was received.
10. **Current classes and programs**: Please name and describe all classes, programs, and special activities you're involved in now—and the value you're seeing in them.
11. **Your views on lessons and principles**: Please describe what for you have been the most valuable lessons and principles in any of your classes and self-improvement efforts since your sentencing. Include exactly how specific lessons and principles have made a difference in your life, outlook, and any issues in your life—and exactly how you are different.
12. **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.
13. **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 you will support yourself.

- d. **Counseling:** Any counseling and its specific focus (if you choose to use it).
- e. **Drug, alcohol, gambling, etc., 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.

14. **Support:** Who are the 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? Answer the following separately for each person. (So, if you have 5 responsible people willing to help in some way, fill out 5 sets of answers to a.-d. here.)

- 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]*"; "*Ms. Hollings is an officer and counselor here and respected by staff and inmates alike. [Add specifics; what she expects of others, etc.]*"; "*My mom [helps where, does exactly what, demands what of you and others, 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, personal encouragement, accountability, etc.).

15. **Level of commitment and plans for continuing self-improvement:** Finally, the attorneys and others assisting *Earning Another Look* volunteer their valuable time. In 6-10 sentences, please say why they can rely on you to cooperate with them and to make good use (a) of their time and (b) of your chance to ask for early release.

Mail responses and signed *Authorization and Release* to: Law Offices of Charles A. Asher  
1075 Broad Ripple Ave, #258  
Indianapolis, IN 46220

***Above all: Be sure to continue (and even increase) your honest efforts at self-improvement supporting your best chances for sentence modification.***

## **10 Tips on the Real Preparation for a Sentence Modification Petition**

These tips (some based on James Cleary's book *Atomic Habits*) are just for your consideration. Feel free to use what works for you.

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 will be."

*"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 9—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. I get back on—and stay on—the road to the success 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

***Authorization and Release***

I, \_\_\_\_\_, do hereby request the representation of *Earning Another Look* (led by Mr. Charles A. Asher and Hon. Michael P. Scopelitis (retired)) to investigate my case for possible sentencing modification and relief. I hereby authorize *Earning Another Look*, Mr. Charles A. Asher, and Hon. Michael P. Scopelitis (retired) to receive, inspect, and copy any and all records, including without limitation, all my legal records from any my past or present counsel, medical records, Department of Correction records and packets, and any other materials maintained by any person or authority, public or private. This Authorization and Release shall be effective throughout the time of my representation by *Earning Another Look*.

My funds for my representation and preparation are limited. Today I have a total of \_\_\_\_\_ in my inmate account.

\_\_\_\_\_  
Printed name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date of birth

\_\_\_\_\_  
Social security number

\_\_\_\_\_  
IDOC number

STATE OF INDIANA )  
                                  )           SS:  
COUNTY OF \_\_\_\_\_ )

Subscribed and sworn to before me, a Notary Public, this \_\_\_ day of \_\_\_\_\_, 202\_.

\_\_\_\_\_  
Notary Public signature

\_\_\_\_\_  
Printed name

My commission expires: \_\_\_\_\_ County of residence: \_\_\_\_\_