

**Opinion No. 20-2744**

December 3, 1920

**BY:** O. O. ASKREN, Attorney General

**TO:** Hon. Benjamin F. Pankey, Acting Governor, Santa Fe, New Mexico.

Pardons Once Delivered Cannot Be Revoked.

**OPINION**

In reply to your request for an opinion concerning your power to revoke certain pardons heretofore made by Governor O. A. Larrazolo, advise: that I have made a thorough and complete search of the authorities on this subject and am of the opinion that since these pardons have been executed and delivered to the Warden of the Penitentiary you have no power or authority to revoke the same. The authorities even go so far to convince me that even Governor Larrazolo himself cannot revoke a pardon executed by himself after the same has been delivered to the prisoner or to the officer who holds such prisoner.

I have viewed this proposition simply as a cold-blooded proposition of law and if there were any doubt in the matter would advise you differently so that the protestants against these pardons would have a better opportunity to test the matter in the courts. However, there is no question as to the law on the subject concerning your right to revoke the pardons and this office could not, and will not, advise you to do an act where all precedent and authority clearly shows you have no power or authority to perform such act.