

Minnesota Board of Pardons

Annual Report to the Legislature

2003 Activity

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2003 LEGISLATIVE REPORT MINNESOTA BOARD OF PARDONS

Pursuant to Minn. Stat. §638.075, the Minnesota Board of Pardons is required to file a written report with the legislature by February 15th of each year, summarizing the actions taken by the Board during the previous year.

The Minnesota Board of Pardons is made up of the Governor, the Chief Justice of the Supreme Court, and the Attorney General. The Board is granted the power, under Article V, Section 7, of the Minnesota Constitution and Minn. Stat. Chapter 638, to grant the following types of extraordinary relief to persons who have been convicted of crimes:

- **Pardon** – an act of forgiveness that exempts the convicted person from the punishment imposed by law.
- **Commutation** – the substitution of a lesser or different type of punishment for that imposed in the original sentence.
- **Pardon Extraordinary** – a statutorily-created relief granted to applicants who have served their sentence. When a pardon extraordinary is granted, the court is directed to issue an order setting aside the conviction and the applicant is no longer required to report the conviction, except in specific limited circumstances. The conviction remains on the applicant's criminal record, but the fact of a pardon extraordinary is also recorded.

Applications requested

Under the law, the commissioner of corrections is responsible for administering the day-to-day activities of the Board through her designated staff. During 2003, the administrative staff sent out **101** applications for pardons extraordinary and **25** applications for pardon/commutation, in response to requests. When an inquiry for application is made, the staff makes every effort to determine whether the potential applicant meets the eligibility requirements before an application is sent. As a result, the number of applications returned due to ineligibility remains relatively low. Moreover, the number of completed applications returned is substantially lower than the number sent out.

Decisions

The Board granted **10** pardons extraordinary during 2003, **six** applications for pardons extraordinary were denied, and **one** application was not reviewed because the applicant failed to appear. These numbers also include a case where one applicant was granted a pardon extraordinary for one offense, but denied a pardon for a second offense, making the total number of applicants 16. In addition to these applicants, there were three applicants for pardon extraordinary whose applications were not put before the Board because they were determined to be ineligible after submission.

At the October 23, 2003, meeting, the Board also met with the Director of the Peace Officer Standard and Training (POST) Board and indicated that the Board of Pardons would not review applicants who were seeking pardons extraordinary to comply with POST Board requirements.

Thirteen applications for pardon/commutation were reviewed under Minn. R. 6600.0500, but because the applicants had not raised any new issues not duly considered by the courts, they were deemed to be ineligible. Consequently, the Board heard no applications for pardon/commutation.

Other activities

In 1996, a computer database on applications to the Board was completed, thereby enabling staff to do automated records checks in an effort to assist local law enforcement agencies screen potential job applicants. In 2003, staff checked records on 215 police academy and other permit applicants. Staff also responded to **277** items of written and electronic correspondence sent directly to the Board or referred by the Office of the Governor or commissioner of corrections. Staff also responded to **469** telephone inquiries.

APPLICATIONS RECEIVED AND ACTION TAKEN IN 2003

<i>Type of Relief</i>	<i>Number of Applications</i>	<i>Not Eligible/Denied</i>	<i>Granted</i>
Pardon/Commutation Commutation	13	13/0	-0-
Pardon Extraordinary	17	1*/6	10

* Applicant did not attend meeting

PARDONS EXTRAORDINARY GRANTED IN 2003 (total of 10)

<i>Applicant</i>	<i>Year of Conviction</i>	<i>Crime(s)/Age at Conviction</i>
Coleman, Jo-Anne*	1985	Theft (4 counts); Medical Assistance Fraud/age 29
Fridgen, Kenneth*	1991	Worthless Check/age 23
	1991	Dishonored Checks (2 counts)/age 23
	1990	Felony Theft by Check/age 22
	1991	Check Forgery (2 counts)/age 23
Garcia, Luis	1997	Controlled Substance 3 rd /age 21
Hammer, Scott	1985	Theft by False Representation (checks)/age 20
	1986	Felony Theft/age 21
Higley, Russell	1980	Felony Possession of Controlled Substance/age 33
Johnson, Bradley	1987	Assault 2 nd Degree (dom)/age 27
Johnson, Jeremy*	1992	Theft (misdemeanor)/age 18
	1993	Criminal Damage to Property 3 rd /age 18
	1993	Theft (misdemeanor)/age 19
Meyer, Jeffrey	1984	Terroristic Threats (felony)/age 37
Meyer, Kim	1983	Possession of Controlled Substance with Intent/age 29
Wade, Michael	1980	Unauthorized Use of Motor Vehicle/age 38

* Reconsideration