

# **Minnesota Board of Pardons**

## **Annual Report to the Legislature**

### **2004 Activity**

Submitted by Randolph J. Hartnett, Secretary  
Minnesota Board of Pardons  
1450 Energy Park Drive, Suite 200  
Saint Paul, Minnesota 55108-5219  
Phone 651/642-0284  
TTY 651/643-3589  
February 2005

The total cost of salaries, printing, and supplies incurred in the development and preparation of this report was \$60 (reported as required by Minn. Stat. §3.197).

This report is printed on recycled paper with at least 30 percent post-consumer waste.

This report will be provided in an alternate format upon request.

## 2004 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 15 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 designated staff. During 2004, administrative staff sent out **75** applications for pardons extraordinary and **20** applications for pardon/commutation, in response to requests. As in the past, when an inquiry for application is made, staff makes every effort to determine whether the potential applicant meets 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, which met on March 30 and September 29, 2004, granted **nine** pardons extraordinary. **Eight** applications for pardons extraordinary were denied, and **two** applications were not reviewed because the applicant failed to appear at the meeting. Of the applications denied, one that met the criteria for review on the written record under Minn. R.6600.0900 was denied after the applicant failed to appear. Another of the applicants who did not appear was informed that the Board would not likely grant relief. At the March 30 meeting, the Board noted that it would continue to give particular scrutiny to applications for pardon extraordinary for violent person offenses, particularly those with vulnerable victims.

**Twelve** applications for pardon/commutation were reviewed under Minn. R. 6600.0500, but were deemed to be ineligible, based on criteria listed in the rules or preliminary review by the Board. Consequently, the Board heard no applications for pardon/commutation. As required by law, summaries of the applications and the basis for exclusion were presented to and ratified by the Board. In addition, four of the applications were presented to the Board for comment prior to the exclusion decision because the grounds for application were heretofore unique. The Board also reviewed one of these applications twice.

Finally, three requests for leave to re-apply were reviewed by the Board. Of these, one was granted leave to re-apply; however, the re-application was denied after further investigation and presentation to the Board.

**Other activities**

Staff continues to perform automated records checks in an effort to assist local law enforcement agencies to screen potential job applicants. In 2004, staff checked records on **480** police academy and other permit applicants. Staff also sent out **226** items of written and electronic correspondence in response to inquiries sent directly to the Board or referred by the Office of the Governor or commissioner of corrections. Staff also responded to **523** telephone inquiries.

**APPLICATIONS RECEIVED AND ACTION TAKEN IN 2004**

<i>Type of Relief</i>	<i>Number of Applications</i>	<i>Not Eligible/Denied</i>	<i>Granted</i>
Pardon/Commutation	12	12/0	-0-
Pardon Extraordinary	19	2*/8	9

\* Applicant did not attend meeting

**PARDONS EXTRAORDINARY GRANTED IN 2004 (total of 9)**

<i>Applicant</i>	<i>Year of Conviction</i>	<i>Crime(s)/Age at Conviction</i>	<i>Granted</i>
1. <b>Anderson, Mark</b>	1980	Burglary (5 counts)/age 18	9/29/04
	1987	Burglary, Aiding, Abetting/age 19 Unauthorized Use of Motor Vehicle/age 25	“
2. <b>Briney, Julaine *</b>	1983	Welfare Fraud/age 29	3/30/04
3. <b>James, Joseph</b>	1985	Felony Drug Violation/age 29	9/29/04
4. <b>Klein, Gregory</b>	1998	False Information to Police Officer/age 19	3/30/04
5. <b>Larson, Robert</b>	1989	Criminal Damage to Property/age 25	9/29/04
6. <b>Ries, Kenneth</b>	1983	Burglary (2 counts)/age 19	3/30/04
	1986	Possession of Controlled Substance/age 23	“
7. <b>Roost, Donna</b>	1987	Shoplifting (felony)/age 23	9/29/04
8. <b>Sandel, Brian</b>	1984	Burglary/age 19	3/30/04
9. <b>Wall, Robin</b>	1995	Wrongfully Obtaining Public Assistance (2 counts)/age 30	3/30/04

\* Granted non-appearance on the written record (Minn. R.660.0900)