

The State of Minnesota



Fall 2016 Calendar

for the

Minnesota Board of Pardons

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Minnesota Board of Pardons

December 13, 2016

Applications for Pardon Extraordinary

1:30 pm	Applicant	Offense(s)	Date of Conviction	County of Conviction
1	Sommers, Michelle	Third Degree Burglary	8/4/88	Ramsey
2	Kracht, James	Felony Theft Felony Theft	6/22/04 1/6/05	Pope Douglas
3	Whirlwind Soldier, DuWayne	Third Degree Burglary Theft	9/14/98 9/14/98	Clay Clay
4	Duerr, Eric	Third Degree Burglary	9/22/97	Anoka
5	Dobert, Kenneth	Bribery	10/4/02	Houston
6	Search, Scott	Aggravated Armed Robbery Aggravated Armed Robbery	2/19/92 12/19/91	Washington Dakota
7	Cameron, Timothy	Unauthorized Use of a Motor Vehicle Aggravated Robbery	7/16/75 4/16/86	Hennepin Hennepin
8	Davis, Skye	Welfare Fraud	6/11/98	Ramsey

Minnesota Board of Pardons

December 13, 2016

Applications for Pardon Extraordinary

3:00 pm	Applicant	Offense(s)	Date of Conviction	County of Conviction
9	Huot, Chad	Illegal Possession of a Firearm in a MV Careless Driving	2/15/07 6/7/06	Anoka Isanti
10	Anderson, Laird	Criminal Vehicular Homicide	5/10/88	Ramsey
11	Murdock, Elias	Fifth Degree Assault Check Forgery Indecent Exposure	9/3/87 7/5/95 1/23/09	Ramsey Ramsey Ramsey
12	Oman Oman, Awilli	Welfare Fraud	4/10/06	Nobles
13	Marah, Derek	Fifth Degree Controlled Sub. Sale Attempted Theft Possession of a Firearm by a Felon	6/8/98 1/24/00 1/22/02	Dakota Hennepin Ramsey
14	Poberejnii, Dmitri	Transfer of a Motor Vehicle w/o mileage disclosure	11/23/09	Hennepin
15	Aney, Timothy	Third Degree Burglary Misdemeanor Stolen Property Fifth Degree Assault	7/26/94 5/15/95 2/18/98	Olmsted Olmsted Olmsted

Resolution Regarding Requests to Waive the Applicable Waiting Period

Resolved, that beginning in 2017, the Board of Pardons Secretary or designee shall circulate all requests for waivers of the waiting period before the Board holds its meeting. Any request for a waiver a Board Member wishes to consider, will be placed on the next meeting's agenda upon that Board Member's request. If no Board Member communicates to the secretary or designee that a request should be included on the agenda, then the request will not be heard at the next meeting.

**Minnesota Board of Pardons
Calendar
December 14, 2016**

<u>Applications for Pardon Extraordinary</u>				
1:30 pm	Applicant	Offense(s)	Date of Conviction	County of Conviction
16	Erickson, Scott	Second Degree Burglary	7/16/84	Washington
17	Willis, Anthony	Third Degree Criminal Sexual Conduct	1/15/93	Hennepin
18	Schmitt, Denise	Theft	2/21/91	Lyon
19	Lade, Daniel	First Degree Burglary	1/18/02	Stearns
20	Parrent, Tyler	Disorderly Conduct	6/29/10	Anoka
21	Harris, Nicole	Theft by Swindle	2/19/04	Hennepin
22	Olupo, Adetoun	Wrongfully Obtaining Assistance	12/14/98	Hennepin
23	Laskowske, Daniel	Fifth Degree Controlled Substance, Methamphetamine	6/13/01	Big Stone

**Minnesota Board of Pardons
Calendar**

December 14, 2016

Applications for Pardon Extraordinary

3:00 pm	Applicant	Offense(s)	Date of Conviction	County of Conviction
24	Leingang, Dustin	Obstructing Legal Process	6/13/00	Clay
25	Welch, Colette	Theft	5/22/81	Ramsey
26	Mohamed, Fathiya	Gross Misdemeanor Theft	9/23/08	Stearns
27	Hierk, Channa	Fifth Degree Assault	8/8/05	Scott

Requests for Waiver of the Waiting Period

The following individuals have not yet met the statutory waiting period after discharge of their sentences to be eligible to apply for a pardon extraordinary. Absent a unanimous vote of the Board setting aside the waiting period, these applications will not be investigated or considered by the Board until the applicable statutory eligibility has been reached and the applicant submits a timely pardon extraordinary application.

Name	Offense(s), Year of Conviction	Date Eligible
Burns, Christina	Second Degree Assault with a Deadly Weapon (2007)	Fall 2023
Dahl, Zeke	Check Forgery (2011)	Fall 2021
Erickson, Christopher	Third Degree Sale of a Controlled Sub. Fifth Degree Sale of a Controlled Sub. (2009)	Fall 2022
Hinshaw, Ronald	Third Degree Assault (1999)	Fall 2024
Lange, Jamie	Theft by Swindle (2009)	Fall 2024
O'Connor, Ethan	Misdemeanor Domestic Assault (2013)	According to his BCA report, he has an open misdemeanor charge in WI as of November 7, 2016

Exclusion of Pardon or Commutation Applications

All applications for pardons or commutations shall be prescreened, and those deemed undeserving by the secretary for further review by the board shall not be included on the ensuing calendar. Grounds justifying exclusion may include, but are not limited to, that the applicant preferably be initially considered by the parole board, the application is an appeal from a negative decision by the parole board, or the application is premature given a recent parole violation. Minn. R. 6600.0500.

Applicants for a pardon or commutation are asked to give a specific statement about the relief sought and an explanation for why it should be granted. Most often, applicants ask for relief based upon an unfair trial, a harsh sentence, good institutional adjustment, or for specific personal reasons. Minn. R. 6600.0400.

In order to review offenders serving life sentences with the possibility of parole, the Department of Corrections has a Life Sentence Review Process. The Commissioner of Corrections reviews all such offenders three years before they reach their first parole eligibility date. The review team gathers information about an offender from: the DOC facilities, the offender's history, the community where the offense took place, the victim and victim's family, and the offender's support network upon release. The Commissioner reviews the case with an advisory panel. Both the Commissioner and the panel meet with the victim/victim's family and the offender before making a parole decision. Offenders generally must show positive behavior and have no discipline while in a minimum security setting and work release program before they are allowed to be on parole in the community.

All offenders in the Commissioner's custody who apply for a pardon or commutation are evaluated for their institutional adjustment at their current facility. The information obtained from the facility is often reflected in the reasons for exclusion.

Excluded Pardon or Commutation Applications

1. Shaheed Al-Shabazz

OID: 169857

Offense(s)	First Degree Murder
Parole Eligibility Date:	2022

On January 20, 1992, Al-Shabazz broke into the apartment of Russell Miller, ransacked the apartment, and attacked Mr. Miller. Mr. Miller suffered injuries to his chest, neck and head, and was killed when Al-Shabazz strangled him.

Al-Shabazz requests a pardon because he has turned his life around and made a good institutional adjustment. Although he also claims he had an unfair trial and a harsh sentence, he takes full responsibility for his actions the night of the murder. He believes his character has changed and he has achieved total rehabilitation.

Basis for Excluding the Pardon or Commutation Application

Al-Shabazz is undeserving of a pardon or commutation. He has had 49 discipline infractions between 1992 and 2013, and recently lost visiting privileges due to negative behavior. His application is also excluded on the basis that Minnesota Rule 6600.0500 allows exclusion of applications that are “preferably a matter for (initial) consideration by the parole board.” Al-Shabazz will be eligible for his first review hearing under the Commissioner’s Life Sentence Review process in 2019.

2. Larry Davis

OID: 196527

Offense(s)	First Degree Murder
Parole Eligibility Date:	2027

On May 24, 1997, Larry Davis broke into the home of Dolores Fenski and her niece. The niece witnessed Larry Davis strangle Ms. Fenski with a phone cord, grab a kitchen knife, and stab Ms. Fenski repeatedly in the face, hands, arms and head. Larry Davis then lunged at the niece, but only had the handle of the blade in his hand. Ms. Fenski died of her wounds at St. Paul Ramsey Hospital.

Davis states that he was suffering from mental illness but now is cured. But he claims he is serving life in prison because he threw “hot McDonald’s coffee and some potatoes” at some women and the murder weapon was small. He also believes the victim is living up north. Davis requests to be released immediately.

Excluded Pardon or Commutation Applications

Basis for Excluding the Pardon or Commutation Application

Davis previously applied for a pardon or commutation in both 2013 and 2014. The Board of Pardons rejected those applications. A new application cannot be considered without leave to reapply.

3. Robert Roy Johnson

OID: 247507

Offense(s)	Dangerous Weapon and Drugs – Fifth Degree Possession
Released:	July 28, 2016

Johnson requested a reduced sentence or pardon because he had never had problems with the law until he became addicted to methamphetamine due to an addiction to pain medication.

Basis for Excluding the Pardon or Commutation Application

Johnson was released on July 28, 2016 following a resentencing order from district court, and Johnson is no longer eligible for a pardon or commutation.

4. Marlow Jones

OID: 181136

Offense(s)	First Degree Murder
Parole Eligibility Date:	2024

On January 9, 1993, Jones went to an apartment armed with a handgun. He confronted Travarian McDonald and Darren McKnight about selling drugs without his permission. After taking money from the victims, Jones fired his gun at both victims, killing Mr. McDonald and injuring Mr. McKnight.

Jones requests a pardon or commutation because he is a reformed gang member, and has been active in counseling other inmates to apply themselves in positive ways. Jones has completed educational, vocational and restorative justice programming.

Basis for Excluding the Pardon or Commutation Application

Jones is undeserving of a pardon or commutation. He has had 27 discipline infractions between 1992 and 2014. The application is also excluded on the basis that Minnesota Rule 6600.0500 allows exclusion of applications that are “preferably a matter for (initial) consideration by the parole board.” Jones will be eligible for his first parole review hearing under the Commissioner’s Life Sentence Review process in 2021.

Excluded Pardon or Commutation Applications

5. Eric Koskela

OID: 176527

Offense(s)	First Degree Murder
Parole Eligibility Date:	Fall 2020

On August 8, 1990, police discovered the body of Nacole Johnson. She had been stabbed multiple times and a large knife was found embedded in her chest. In 1993, Eric Koskela admitted in a police interview that he had broken into Ms. Johnson's apartment on August 5, 1990, looked around the apartment, took a knife from the kitchen area and decided to murder Ms. Johnson.

Koskela has completed extensive educational, vocational and restorative justice programming. He values the people who have helped him in his recovery and rehabilitation. He expresses remorse for the killing of Nicole Johnson and the grief he caused her family.

Basis for Excluding the Pardon or Commutation Application

Minnesota Rule 6600.0500 allows exclusion of applications that are "preferably a matter for (initial) consideration by the parole board." Koskela has nearly completed the minimum 30 year period for his sentence, and will be reviewed in 2017 under the Commissioner's Life Sentence Review process for the next steps necessary for possible release in 2020. Koskela's review should be initially completed by the parole board, and not under the board of pardons process.

6. John Patrick Murphy

OID: 150133

Offense(s)	Terroristic Threats
Supervised Release Date:	November 6, 2023

Between 1978 and 1993, Murphy engaged in terroristic threats, damage to property, and conspiracy against 13 victims, which included judges, prosecuting attorneys, correctional employees, and others. The terrorism included punctured tires, spray-painted houses, objects thrown through windows, dead animal parts left in lawns and mailboxes, motor oil poured on buildings, and bomb threats.

Murphy claims that his current consecutive sentences for terroristic threats is illegal. He also states his medical condition is deteriorating due to a recent cancer diagnosis.

Basis for Excluding the Pardon or Commutation Application

Murphy's application for a pardon is undeserving of further review. Murphy's sentence has been reviewed twice by the Minnesota Court of Appeals, and found each time to be a proper sentence

Excluded Pardon or Commutation Applications

in light of his criminal behavior. (Court File Nos. AO6-1471, A09-383.) Also, Murphy's current medical condition is not a basis for a pardon or commutation. The DOC is providing him with medical care and treatment. In his application, Murphy continues to minimize his criminal behavior and shows no remorse for his victims. Minn. R. 6600.0500 allows exclusion of applications that are undeserving of further review.

7. **Jose Manuel Ortiz**

OID: 242584

Offense(s)	Criminal Sexual Conduct, Fourth Degree
Sentence Expires:	November 22, 2017

On August 29, 2012, Ortiz was working as a massage therapist at a Massage Envy business. He began a massage for an adult female, and touched her genital area during the massage. The victim told Ortiz to stop, and he began to massage her legs. He then placed his mouth on her big toe. The victim kicked and told Ortiz she did not want that. She left the business.

Ortiz is currently released from prison, and in the custody and supervision of the Immigration Customs and Enforcement (ICE) facing deportation to Nicaragua. Ortiz claims that he is innocent and should be granted a pardon.

Basis for Excluding the Pardon or Commutation Application

Ortiz' application for a pardon is undeserving of further review. According to court records, Ortiz voluntarily waived a jury trial and had a court trial before a Hennepin County judge. After he was found guilty, he was sentenced to 48 months, which is not a departure from the sentencing guidelines. The Court of Appeals reviewed Ortiz' trial counsel's actions and found Ortiz had adequate representation, and that there was sufficient evidence to support his conviction. (Court File No. A13-2211.) Minn. R. 6600.0500 allows exclusion of applications that are undeserving of further review.

Excluded Pardon or Commutation Applications

8. Nicholas Taylor Rod

OID: 244896

Offense(s)	Burglary Assault of a Police Dog (Gross Misdemeanor)
Supervised Release Date:	March 13, 2018

On April 5, 2013, Rod went to a home and began repeatedly kicking the door. When the owner asked what he wanted, Rod used his body weight to break down the door and enter the home. Rod attacked the home owner, punching him several times in the face and head. Rod then took the homeowner to the ground, and laid on top of him for several minutes. Rod then got up and went into the homeowner's bedroom and laid down on his bed, while the homeowner called the police.

Months later, Rod had a warrant issued for his arrest while out of custody for his burglary charges. Officers came to a motel where Rod was staying and gave him repeated commands to come out of his motel room. When Rod refused, the officers deployed a canine officer, and then entered the room. The officers witnessed Rod choking the dog. Officers were only able to free the dog after subduing and detaining Rod.

Rob believes that the circumstances around his crimes are "extraordinary" and that his 69 months sentence was excessive. He claims he has no memory of the facts surrounding the burglary case, and therefore, should be considered less culpable for his offense. He also claims the police officer unlawfully unleashed the canine officer to apprehend him when he was already complying with police commands.

Basis for Excluding the Pardon or Commutation Application

Rod's pardon or commutation application is undeserving of further review. According to court records, Rod voluntarily pled guilty to both offenses for which he is currently serving time. He was sentenced to 69 months for the burglary charge, which is not a departure from the sentencing guidelines. The Court of Appeals reviewed Rod's pleas in both cases and found both knowing and intelligent. (Court File Nos. A14-2089, A15-0372.) Minn. R. 6600.0500 allows exclusion of applications that are undeserving of further review.