

# **Minnesota Board of Pardons**

## **Annual Report to the Legislature**

### **2002 Activity**

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**2002 LEGISLATIVE REPORT**  
**MINNESOTA BOARD OF PARDONS**

Pursuant to Minn. Stat. § 638.075 (2002), the Minnesota Board of Pardons is required to file a written report with the legislature by February 15<sup>th</sup> 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 2002, the administrative staff sent out **119** applications for pardons extraordinary and **23** 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 consequence, 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 **12** pardons extraordinary during 2002, and five applications for pardons extraordinary were denied. Of the latter, two applicants were given permission to re-apply without seeking leave of the Board. Seven applications for pardon/commutation were reviewed, 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 2002, staff checked records on **284** police academy and gun permit applicants. Staff also responded to **221** items of written and electronic correspondence sent directly to the Board or referred by the Office of the Governor or commissioner of corrections. The staff also responded to **489** telephone inquiries.

**APPLICATIONS RECEIVED AND ACTION TAKEN IN 2002**

<b>Type of Relief:</b>	<b>Number of Applications:</b>	<b>Not Eligible/Denied:</b>	<b>Granted:</b>
1. Pardon/ Commutation	7	7/0	-0-
2. Pardon Extraordinary	17	0/5	12

**PARDONS EXTRAORDINARY GRANTED IN 2002**

<b>Applicant/Age at Conviction</b>	<b>Year of Conviction:</b>	<b>Crime(s):</b>
1. Aubin, James R./21 y.o.	1981	Theft (felony)
2. Callahan, John L./18 y.o.	1974	Burglary (felony)
3. Cobb, Lee D./19 y.o.	1988	5 <sup>th</sup> Degree Assault (misd.)
4. Kroman, Mark/32 y.o.	1982	Promotion of Prostitution
5. Oraby, Hesham/32 y.o.	1993	Improper Transport of a Weapon (misd.)
6. Rask, James L./22 y.o.	1978	Burglary (petty misd.)
7. Whitewolf, David J./22 y.o.	1979	Drugs-Prohibited Acts. (misd.)
8. Grams, Jason/19 y.o.	1992	5 <sup>th</sup> Degree Assault (misd.)
9. Kelley, George L./27 y.o.	1988	1 <sup>st</sup> Degree Assault
10. Raasch, Debra L./ 24 y.o.	1980 1982 1986 1987 1988 1991	Agg. Forgery Agg. Forgery (26 y.o.) Theft (felony) (30 y.o.) Agg. Forgery (31 y.o.) Check Forgery (fel.) (32 y.o.) Check Forgery (fel.) (36 y.o.)
11. Swanberg, Leonard C./26 y.o.	1967	False report to Police (misd.)
12. LeBlanc, Shawn D./18 y.o.	1992	5 <sup>th</sup> Degree Assault