

Minnesota Board of Pardons
Annual Report to the Legislature
2014 Activity

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

2014 LEGISLATIVE REPORT MINNESOTA BOARD OF PARDONS

Background

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. Under Article V, Section 7, of the Minnesota Constitution and Minn. Stat. Chapter 638, the Board may 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 specified circumstances. The original conviction and the pardon extraordinary are recorded on the applicant’s criminal record.

2014 Notes

The Board met on two occasions in 2014: June 18, 2014, and December 17, 2014.

Applications Requested

Under the law, the commissioner of corrections is responsible for administering the day-to-day activities of the Board through his or her designated staff. During 2014, **118** applications for pardons extraordinary or pardon/commutation were requested and distributed.

Waiver of Waiting Period: Pursuant to Minn. Stat. § 638.02, there is a waiting period of five years for general offenses and ten years for crimes of violence as defined in Minn. Stat. §624.712, subd. 5. This period is measured from the most recent date of final discharge. Waiver of the waiting period requires the unanimous written consent of the Board. These applications were considered by the Board separately.

Decisions

During the meetings on June 18 and December 17, the Board considered **twenty-one** applications for pardons extraordinary, and granted **seven**, with **one** of these applications granted conditionally on receipt of further information. The remaining **14** applications for pardons extraordinary were denied. An additional **three** applications were reviewed by Board staff, but **two** applicants withdrew, and **one** who requested non-appearance consideration through counsel

was deferred until the applicant could appear. **Six** additional applications, which had not met the applicable waiting period, were considered. The Board declined to set aside the waiting period in all six cases.

There were **seven** applications for pardon/commutation reviewed under Minn. R. 6600.0500 and were deemed to be ineligible for review by the Board based on criteria listed in the rule. As required by law, summaries of the applications and the basis for exclusion were presented to and ratified by the Board. **One** application for commutation was brought forward for consideration and was denied.

Seven requests for leave to reapply were received in 2014. Of these, leave to reapply was granted in **three** cases, one at the June 18 meeting and two at the December 17 meeting. The applicant granted leave to reapply on June 18 was among the applicants granted a pardon extraordinary in 2014 and the other two will be presented at the spring 2015 meeting.

Other Activities

Board staff continues to do pardon records checks to assist local law enforcement agencies screen potential job applicants. In 2014, staff checked 1045 records for law enforcement job applicants, almost a two-fold increase from the previous year. Staff also responded to approximately 364 telephone inquiries.

APPLICATIONS RECEIVED AND ACTION TAKEN IN 2014

<u>Type of Relief</u>	<u># of Applications</u>	<u>Not Eligible/Denied</u>	<u>Granted</u>
Pardon/Commutation Commutation	8	7/1	0
Pardon Extraordinary	22	1/14	7 (1 conditional)
Pardons Extraordinary Waiver of Waiting Period	6	6	0
Leave to Reapply	7	5	2

PARDONS EXTRAORDINARY GRANTED IN 2014

<u>Applicant</u>	<u>Offense/ Age at Conviction</u>	<u>Date of Conviction</u>	<u>County of Conviction</u>	<u>Date Granted</u>
Bruhn, Jeffrey	Theft/20	06/24/1983	Kandiyohi	12/17/2014
	Theft/22	03/05/1985	Kandiyohi	
	Theft/22	04/15/1985	Brown	
	Theft	08/12/1985	Kandiyohi	
	Defrauding an Innkeeper/23	04/15/1987	Kandiyohi	
	Theft by Check (2 cts)/25	01/11/1991	Stearns	
Davis, Brandon	Theft/18	10/20/2006	Anoka	12/17/2014
Gilson, David	Terroristic Threats/49	10/19/1999	Anoka	Pending
	Burglary 2 nd Deg./49	10/19/1999	Anoka	
	Theft under \$150/33	03/24/1983	Hennepin	

Kennedy, Daniel	Conspiracy to Commit Theft (GM)/19	05/04/2006	Washington	6/18/2014
Mckissick, Lorenzo	Controlled Substance 3 rd Deg./36 Possession of Cocaine 5 th Deg./29	08/20/1999 12/07/1992	Hennepin Ramsey	12/17/2014
Rodriguez, Robert	Check Forgery-Offer/Possess w/Intent to Defraud/30 Possession of Controlled Substance 5 th Deg./30 5 th Deg. Controlled Substance-Possession/23	12/12/1997 12/12/1997 07/05/2001	Ramsey Ramsey Washington	12/17/2014
Winslow, Russell	Aid/Abet Burglary, 2 nd Deg./20	03/14/1992	Anoka	6/18/2014
Teklearegay, Zewdu	Trespassing/42 Trespassing/39 Disorderly Conduct/41 Trespassing/41 Trespassing/43	04/08/2006 09/26/2003 07/17/2005 05/10/2005 09/21/2006	Hennepin Hennepin Hennepin Hennepin Hennepin	12/17/2014