



Aiding and Abetting Felony Murder Task Force

Wednesday, Oct. 25, 2023

10:00 am – 11:30 am

Department of Corrections (DOC), 1450 Energy Park Drive, West Entrance, Afton Room, 1st Floor, St. Paul, MN 55108**

Hybrid In-person and virtual via Webex

Members Present (10 of 11): Zachary Gahm, Nate Reitz, Bill Ward, Greg Egan, Pat McDermott, Jeremiah Carlson, Kathy Keena, Molly Evans, Bobbi Holtberg, Richard Frase

DOC Staff Present: Amy Lauricella

Research Contractors: Stephanie Nelson-Dusek (Wilder Research)

Meeting Minutes

- I. Welcome
 - Motion to approve 10.11.23 meeting minutes – Unanimous approval

- II. Introductions of final three appointees, finalized since the last meeting
 - Molly Evans – impacted family member
 - Bobbi Holtberg – Executive Director of Minnesota Alliance on Crime (victim rights organization)
 - Prof. Richard Frase – University of Minnesota (academic expert)

- III. Discussion of areas of Task Force focus:
 - Merger limitation
 - Incorporating list of predicate felonies into second degree Felony Murder statute, making it akin to first degree Felony Murder’s statutory structure
 - Equity in accomplice liability and *mens rea*
 - Codification of Anderson standard
 - Exploring foreseeability requirement
 - Broadening 3rd Degree Depraved Heart Murder
 - Abolition of Felony-Murder doctrine

IV. Discussion: Data needs and parameters

- 10-year look back period
- First degree Murder
- Second Degree Murder
- Third Degree Murder
- Request codes for Aid & Abet
- Request data fields included in data request for prior task force
 - i. Year sentenced
 - ii. County
 - iii. Case number
 - iv. Count number
 - inclusion of other counts charged, amended to, tab charged, or indicted
 - v. Gender of offender
 - vi. Race of offender
 - vii. Age of offender on offense date
 - viii. Age of offender at time of sentencing
 - ix. Age category of offender
 - x. Conviction statute
 - xi. Offense title
 - xii. Offense date
 - xiii. Severity level
 - xiv. Dangerous weapon cited (yes/no)
 - xv. Subsequent weapon Offense
 - xvi. Gang related
 - xvii. Gang related victim under 18
 - xviii. Type of custody status offender on at time of offense
 - xix. Total criminal history points
 - xx. Total criminal history score
 - xxi. Presumptive disposition (commit/stay)
 - xxii. Presumptive sentence duration
 - Lower range
 - Upper range
 - xxiii. Plea/trial
 - xxiv. Pronounced confinement
 - xxv. Consecutive sentence received
 - xxvi. Total consecutive sentence
 - xxvii. Dispositional departure
 - xxviii. Durational departure
 - xxix. Consecutive departure
 - xxx. Departure reasons (1-4)
 - xxxi. Plea reason (1-3)

- Additional data fields to be requested:
 - i. Demographics of victim
 - Age
 - Race
 - Gender
 - County of residence/out of state resident
 - ii. Indication of whether case was charged or indicted with reference to Minn. Stat. sec 609.05 or any other data point that would indicate aiding and abetting or otherwise suggest a group offense
 - iii. Public Defender representation/eligibility
 - iv. Predicate felony

- Appendix C from prior report is conviction data through to 2019 (10 years)

V. Introduction of Subcommittee Chairs and preliminary subcommittee assignments

- Data Subcommittee (Nate Reitz chair)
- Statutes & Caselaw (legal research) Subcommittee (Prof. Frase chair)
- Outreach Subcommittee (Bobbi Holtberg chair)

VI. Next Steps and Closing