

**Minnesota Board of Pardons
Annual Report to the Legislature**

2010 Activity

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2010 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. 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.

2010 Notes

The fall meeting of the Board on October 5, 2010, was something of a milestone in that it was the first meeting for newly appointed Chief Justice Lorie Skjerven Gildea and the final meeting for Governor Tim Pawlenty. Governor Pawlenty graciously thanked the Board administrative staff for their work.

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 2010, administrative staff sent out **178** applications for pardons extraordinary or pardon/commutation, in response to requests. As in the past, 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 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.

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. Over the years, as the collateral consequences of criminal conviction appear to have increased, there

has also been an increase in the number of Applicants seeking Waiver of the Waiting Period, which the statute permits upon the unanimous written consent of the Board. As was done last year, these applications were considered by the Board separately.

Decisions

The Board, which met on April 14 and October 5, granted **seventeen** pardons extraordinary during 2010. **Twenty-eight** applications for pardons extraordinary were denied. **Ten** additional applications were not considered because the Board declined to set aside the waiting period. One applicant was granted a Waiver of the Waiting Period; however, when the applicant’s pardon extraordinary application itself was considered, it was denied.

There were **six** applications for pardon/commutation reviewed under Minn. R. 6600.0500 and, of these, **five** 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. The one application for commutation presented to the Board was denied.

One request for leave to re-apply was denied in 2010

Other Activities

Board staff continues to do automated records checks in an effort to assist local law enforcement agencies screen potential job applicants. In 2010, staff checked records on **220** police employment and other permit applicants. Staff also responded to approximately **483** telephone inquiries.

APPLICATIONS RECEIVED AND ACTION TAKEN IN 2010

<i>Type of Relief</i>	<i># of Applications</i>	<i>Not Eligible/ Denied</i>	<i>Granted</i>
Pardon/Commutation Commutation	6	5/1	-0-
Pardon Extraordinary	45	28	17
Pardons Extraordinary Waiver of Waiting Period	11	10	1
Leave to Reapply	1	1	0

Pardons Extraordinary Granted in 2010

<i>Applicant</i>	<i>Offense/Age at Conviction</i>	<i>Date of Offense</i>	<i>Granted</i>
Beck, Kathleen	Drugs-Prohibited Acts/18 Uttering a Forged Prescription/19	2/6/1970 3/11/1971	4/14/2010
Casessa, John	Controlled Substance-4 th Degree/20	1/13/1999	4/14/2010
Hicks, Robin	Carrying Weapon without Permit/18	11/21/1994	4/14/2010
Otis, Jeffrey	Drugs-Prohibited Acts/32	12/26/1989	4/14/2010
Schmitt, Gregg	Disorderly Conduct/47	6/4/2003	4/14/2010
Smith, Alan	Third Degree Burglary/21	7/9/1990	4/14/2010
Stockdill, James	Damage to Property/19	5/3/1989	4/14/2010
Vigdor, Brandon	Check Forgery/19	1/15/2002	4/14/2010
Walker, Jerrica	Wrongfully Obtaining Assistance/26	12/2/2002	4/14/2010
Blatz, Philip	Unauthorized Use of a Motor Vehicle/18 Burglary/18 Burglary with Tool/20	8/5/1976 7/2/1976 3/6/1978	10/5/2010
Brady, James	Burglary-3 rd Degree/18	4/15/1959	10/5/2010
Hopela, Charlene	Theft Over \$2,500/19 Theft/18	5/29/1980 5/22/1979	10/5/2010
Kadlec, Ashley	Misdemeanor Theft/18	9/29/2004	10/5/2010
Leland, Timothy	Theft/20	6/17/1977	10/5/2010
Nayquonabe, Peter	Theft/21	6/24/1998	10/5/2010
Omar, Idman	Wrongfully Obtaining Assistance/24	9/27/2002	10/5/2010
Schmit, Theresa	Misdemeanor Shoplifting/30 Misdemeanor Shoplifting/32	5/8/1986 5/20/1988	10/5/2010