

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

**2012 Activity**

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## **2012 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.

### **2012 Notes**

The Board met on two occasions in 2012, pursuant to statute. Those dates were May 24, 2012 and October 12, 2012.

### **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 2012, administrative staff sent out **117** 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.

**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. As was done last year, these applications were considered by the Board separately.

## Decisions

The Board, which met on May 24 and October 12, considered **forty-one** applications for pardons extraordinary and granted **twenty** during 2012. **Sixteen** applications for pardons extraordinary were denied. **Five** additional applicants withdrew or were deferred prior to consideration. **Fifteen** additional applications were not considered because the Board declined to set aside the waiting period. The Board did set the waiting period aside in an unusual case related to recanted witness testimony. That case will be heard in 2013.

There were **sixteen** applications for pardon/commutation reviewed under Minn. R. 6600.0500 and, of these, **fifteen** 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.

**Five** requests for leave to re-apply were denied in 2012, and all were denied.

## Other Activities

Board staff continues to do automated records checks in an effort to assist local law enforcement agencies screen potential job applicants. In 2012, staff checked records on **655** police employment and other permit applicants. This number was much higher than the 49 checks done in 2011. Staff also responded to approximately **435** telephone inquiries.

## APPLICATIONS RECEIVED AND ACTION TAKEN IN 2012

<u>Type of Relief</u>	<u># of Applications</u>	<u>Not Eligible/ Denied</u>	<u>Granted</u>
Pardon/Commutation Commutation	16	15/1	0
Pardon Extraordinary	41	5/16	20
Pardons Extraordinary Waiver of Waiting Period	16	15	1
Leave to Reapply	5	5	0

## PARDONS EXTRAORDINARY GRANTED IN 2011

<u>Applicant</u>	<u>Offense/ Age at Conviction</u>	<u>Date/County of Conviction</u>	<u>Granted</u>
Adams-Lee, Yolanda	Malicious Punishment of a Child/47	7/19/2004/Hennepin	5/24/12
Amos, Richard	Aggravated Robbery/34	6/02/1989/Hennepin	5/24/12
Hansen, Christopher	Burglary 2nd Degree/19	8/12/1999/Douglas	5/24/12

	Domestic Assault/19	4/12/1999/Douglas	
Meyer, Anthony	5th Degree Assault/19	7/23/2000/Itasca	5/24/12
Niehorster, Bradley	Sale of Controlled Substance/23	2/20/1981/Todd	5/24/12
Owens, Robert	Felony Theft Over \$2,500.00/19	3/13/1989/Anoka	5/24/12
	Unauthorized Use of a Motor Vehicle	3/13/1989/Anoka	
	Vehicle Theft Over \$2,500.00	3/13/1989/Anoka	
	GM Theft Over \$200.00	3/13/1989/Anoka	
	Receive/Conceal Stolen Property	3/13/1989/Anoka	
Antus, David	Aggravated Robbery/24	2/11/1985/Hennepin	10/5/12
Blank, Cindy	Theft by Swindle/25	5/25/2000/Douglas	10/5/12
Coyne, Catherine	Harassing Phone Calls/36	5/12/2003/Dakota	10/5/12
	Violation of Order for Protection/38	7/7/2005/Dakota	
Dancy, Gwendolyn	1st Degree Sale of Cocaine/21	11/22/1993/Hennepin	10/5/12
Devin, Bernard	Criminal Sexual Conduct 4th Deg./20	9/29/1992/Aitkin	10/5/12
Galvin, Patrick	Theft Over \$2,500.00/20	7/13/1990/Hennepin	10/5/12
Hart, Matthew	Arson 1st Degree/18	11/21/1983/Ramsey	10/5/12
Marshall, Kecia	Financial Transaction Card Fraud/26	11/2/1993/Hennepin	10/5/12
Rock, Jon	Burglary in the 2nd Degree/19	12/28/1992/Anoka	10/5/12
	Burglary in the 2nd Degree	12/28/1992/Anoka	
	Burglary in the 2nd Degree	12/28/1992/Anoka	
	Burglary in the 2nd Degree	2/5/1993/Sherburne	
Sanders-Turner, Ruby	5th Degree Assault/26	4/11/1995/Hennepin	10/5/12
Savage, Joseph	Aggravated Forgery/21	12/15/1975/Dakota	10/5/12
Skoglund, Scott	3rd Degree Burglary/23	6/18/1987/St. Louis	10/5/12
	Theft/ Poss. of Stolen Property/32	4/22/1997/St. Louis	
	Theft/25	8/27/1990/Douglas	
Thompson, James	Possession of Marijuana/24	3/10/1972/Stearns	10/5/12
Winkelman, John	Misdemeanor Theft/22	10/7/1988/Hennepin	10/5/12