

February 12, 2021

Senate Judiciary and Public Safety Finance and Policy Committee

Senator Warren Limmer, Chair
3221 Minnesota Senate Bldg.
St. Paul, MN 55155

Senator Ron Latz, DFL Lead
2215 Minnesota Senate Bldg.
St. Paul, MN 55155

House Public Safety and Criminal Justice Reform Finance and Policy Division Committee

Representative Carlos Mariani, Chair
479 State Office Building
St. Paul, MN 55155

Representative, Brian Johnson, Republican Lead
243 Rev. Dr. Martin Luther King Jr. Blvd.
St Paul, MN 55155

RE: Annual Board of Pardons Report, as Required by Minnesota Statutes, Section 638.075

Dear Chair Limmer, Senator Latz, Chair Mariani and Representative Johnson:

Minnesota Statutes, section 638.075 requires that by February 15 of each year, the Board of Pardons file a report including the number of applications received and number granted, including crimes for which the applications were granted, by the board for pardons, pardons extraordinary, and commutations of sentence during the preceding calendar year, to the chairs and ranking minority members of the legislative policy and budget committees with jurisdiction over the subject matter of the proposed rule. The commissioner of corrections or a designee is the secretary of the board.

If you have any questions regarding this report, please contact Safia Khan, Government and External Relations Director at sa:fia.khan@state.mn.us.

smc?



Paul Schnell, Commissioner
Minnesota Department of Corrections

Enclosure

cc: Safia Khan, Government and External Relations Director
Legislative Reference Library

**2020 LEGISLATIVE REPORT
MINNESOTA BOARD OF PARDONS**

Submitted by Dan Ganin
Minnesota Board of Pardons
1450 Energy Park Drive, Suite 200
Saint Paul, Minnesota 55108-5219
Phone 651/361-7171
TTY 800/627-3529
January 25, 2021

The total cost of salaries, printing, and supplies incurred in the development and preparation of this report was approximately \$500 (reported as required by Minn. Stat. § 3.197).

This report can be provided in another format upon request.

2020 LEGISLATIVE REPORT MINNESOTA BOARD OF PARDONS

Background

The Minnesota Board of Pardons (Board) is required to file a written report with the legislature by February 15 of each year, reporting the number of pardon/commutation and pardon extraordinary applications received and those granted by the Board. Minn. Stat. § 638.075.

The Board is made up of Minnesota’s Governor, Chief Justice of the Supreme Court, and Attorney General. Under Article V, Section 7 of the Minnesota Constitution and Minn. Stat. Chapter 638, the Board may grant the following types of 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 sentences. 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.

Pardons/commutations may be granted to persons who are currently serving active Minnesota sentences. Pardons extraordinary may be granted to persons who committed Minnesota crimes, have fully served their sentences, and have waited the applicable waiting periods after discharge from their sentences before applying for relief.

2020 Meetings

The Board met on June 12, 2020, and December 15, 2020.

APPLICATIONS PROCESSED AND ACTION TAKEN IN 2020

Type of Application	Applications Processed	Number Granted
Pardon/Commutation	46 (5 ineligible) (1 continued to spring 2021)	3*
Pardon Extraordinary	51 (1 withdrawn) (15 ineligible)	26

* One application was provisionally granted on December 15, 2020, contingent on the applicant paying the remaining balance of her restitution. After restitution was paid, the Board formally granted a pardon to that applicant during a special meeting held on January 25, 2021.

PARDONS/COMMUTATIONS GRANTED IN 2020

Applicant Name	Offense(s)	Age at Time of Offense	Year of Conviction	Relief Granted
Burrell, Myron	First-degree murder for the benefit of a gang Attempted first-degree murder Attempted first-degree murder committed for benefit of a gang	16	2008	Commutation
Caron, Kelli	First-degree possession of methamphetamine Second-degree possession of methamphetamine	29 29	2013 2014	Commutation
Elizondo, Maria [†]	Wrongfully obtaining public assistance Identity theft	49–51	2012	Pardon

PARDONS EXTRAORDINARY GRANTED IN 2020

Applicant Name	Offense(s)	Age at Time of Offense	Year of Conviction
Adams, Cora	Fifth-degree assault Disorderly conduct	21 21	2010 2010
Asmus, Reina	Incest	19	2005
Brula, Jesse	Third-degree sale of narcotics (two counts) Possession of a small amount of marijuana in a motor vehicle	24 21	2008 2003
Carr, Stephen	Disorderly conduct	36	2002
Close, Daniel	Fifth-degree domestic assault	38	1997
Cole, Carl	Fifth-degree assault	27	1994
Dallmann, William	First-degree intrafamilial sexual abuse	35	1984
Diersen, Ivan	First-degree manufacture of methamphetamine	24	2003
Fukushima, Edward	Counterfeiting of currency	58	2013
Kantor, James	Third-degree burglary Third-degree Burglary Receiving stolen property	19 19 19	2003 2003 2003

[†] At its December 15, 2020 meeting, the Board was in favor of granting Ms. Elizondo a pardon as long as she paid the balance of her restitution obligation, and indicated it would hold a special meeting to grant the pardon once restitution was paid. After Ms. Elizondo paid the remaining amount of restitution, the Board held a special meeting on January 25, 2021, and granted the pardon.

	Theft of a motor vehicle (two counts)	19	2001
	First-degree aggravated robbery	19	2001
La Trace, Nathaniel	Third-degree burglary (four counts)	18	2000
Mason, Max (Posthumous Pardon)	Rape	20-21	1920
Monson, Nathan	Third-degree burglary	19	2002
	Possession of burglary tools	21	2003
Osborne, Timothy	Aggravated robbery	21	1979
Phan, Huong	Theft by swindle	26	2007
	Theft	26	2007
Phillips, Robert	Second-degree burglary	18	1995
Ramdeen, Ramona	First-degree sale of cocaine	21	1992
	Second-degree sale of cocaine	22	1992
Riley, George	Fifth-degree assault	19	1992
	Fifth-degree assault	19	1992
	Fifth-degree assault	19	1992
	Violating an order for protection	19	1992
	Carrying a pistol without a permit	20	1992
Robinson, James	Second-degree burglary	19	1999
	Third-degree driving while impaired	22	2001
Schafer, Marlin	Possession of a controlled substance	19	1977
Swanson, Karen	Third-degree driving while impaired	42	2004
Swanson, Roy	Possession of over 1.5 ounces of marijuana	30	1985
Traczyk, Matthew	Third-degree burglary	19	2008
Vue, Mai	Theft	40	1994
	Theft	41	1994
Waldren, Troy	Fourth-degree sale of a controlled substance	23	1997
	Attempted fourth-degree sale of a controlled substance	24	1997
	First-degree possession of a controlled substance	26	2002
	Fifth-degree possession of a controlled substance	28	2002
Walker, Demetrius	Second-degree riot	22	2001