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Minnesota Board of Pardons

Annual Report to the Legislature – 2002 Activity

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MINNESOTA BOARD OF PARDONS – 2002 LEGISLATIVE REPORT

Pursuant to Minn. Stat. § 638.075, the Minnesota Board of Pardons is required to file a written report with the legislature by February 15th 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 granting of a pardon extraordinary is also recorded.

Applications requested

Under the law, the commissioner of corrections is responsible for administering the day-to-day activities of the Board through designated staff. During 2002, administrative staff sent out 119 applications for pardons extraordinary and 23 applications for pardon/commutation, in response to requests. When an inquiry for application is made, staff make every effort to determine whether the potential applicant meets the eligibility requirements before an application is sent. As a consequence, 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.

Decisions

The Board granted 12 pardons extraordinary during 2002, and five applications for pardons extraordinary were denied. Of the latter, two applicants were given permission to re-apply without seeking leave of the Board. Seven applications for pardon/commutation were reviewed, but because the applicants had not raised any new issues not duly considered by the courts, they were deemed to be ineligible. Consequently, the Board heard no applications for pardon/commutation.

Other activities

In 1996, a computer database on applications to the Board was completed, thereby enabling staff to do automated records checks in an effort to assist local law enforcement agencies screen potential job applicants. In 2002, staff checked records on 284 police academy and gun permit applicants. Staff also responded to 221 items of written and electronic correspondence sent directly to the Board or referred by the Office of the Governor or commissioner of corrections. Staff also responded to 489 telephone inquiries.

APPLICATIONS RECEIVED AND ACTION TAKEN IN 2002

<i>Type of Relief</i>	<i>Number of Applications</i>	<i>Not Eligible/Denied</i>	<i>Granted</i>
Pardon/ Commutation	7	7/0	-0-
Pardon Extraordinary	17	0/5	12

PARDONS EXTRAORDINARY GRANTED IN 2002

<i>Applicant/Age at Conviction</i>	<i>Year of Conviction</i>	<i>Crime(s)</i>
1. Aubin, James R./21	1981	Theft
2. Callahan, John L./18	1974	Burglary
3. Cobb, Lee D./19	1988	5 th Degree Assault
4. Grams, Jason/19	1992	5 th Degree Assault
5. Kelley, George L./27	1988	1 st Degree Assault
6. Kroman, Mark/32	1982	Promotion of Prostitution
7. LeBlanc, Shawn D./18	1992	5 th Degree Assault
8. Oraby, Hesham/32	1993	Improper Transport of a Weapon
9. Raasch, Debra L. /24	1980	Aggravated Forgery
/26	1982	Aggravated Forgery
/30	1986	Theft
/31	1987	Aggravated Forgery
/32	1988	Check Forgery
/36	1991	Check Forgery
10. Rask, James L./22	1978	Burglary
11. Swanberg, Leonard C./26	1967	False Report to Police
12. Whitewolf, David J./22	1979	Drugs-Prohibited Acts