

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

**2006 Activity**

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## 2006 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 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.

### Applications Requested

Under the law, the commissioner of corrections is responsible for administering the day-to-day activities of the Board through her designated staff. During 2006, administrative staff sent out **86** applications for pardons extraordinary and **12** applications for pardon/commutation, in response to requests. As in the past, when an inquiry for application is made, 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.

### Decisions

The Board, which met on April 4 and October 4, granted **twelve** pardons extraordinary during 2006. **Twelve** applications for pardons extraordinary were denied, and **three** applications were not considered because the Board declined to set aside the waiting period. The denied applications include one re-application.

There were **six** applications for pardon/commutation reviewed under Minn. R. 6600.0500 and, of these, **four** were deemed to be ineligible based on criteria listed in the rule or preliminary review by the Board. As required by law, summaries of the applications and the basis for exclusion were presented to and ratified by the Board. The Board heard **one** application for general pardon from an imprisoned individual who was facing deportation. This was denied. An application for

commutation from an individual serving a life sentence was scheduled to go before the Board in Fall 2006, but was withdrawn prior to the meeting.

The October 4, 2006, meeting calendar was the largest in recent memory, with twenty Applicants considered.

Two requests for leave to re-apply were denied in 2006.

### **Change in Board Membership**

In late 2006, former Attorney General Mike Hatch left the Board. Current Attorney General Lori Swanson will sit on the Board starting with the April 9, 2007 meeting.

**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 convictions 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. Often, this has resulted in the applicants and their families traveling to St. Paul for the meeting only to be told the waiting period would not be waived. With the leave of the Board, during 2007, a new process will be initiated by which applicants will apply separately for waiver of the waiting period.

### **Other Activities**

Board staff continues to do automated records checks in an effort to assist local law enforcement agencies screen potential job applicants. In 2006, staff checked records on **745** police academy and other permit applicants. Staff also responded to **638** telephone inquiries.

### **APPLICATIONS RECEIVED AND ACTION TAKEN IN 2006**

<i>Type of Relief</i>	<i>Number of Applications</i>	<i>Not Eligible/Denied</i>	<i>Granted</i>
Pardon/Commutation Commutation	6	4/1*	-0-
Pardon Extraordinary	27	3/12	12

\* One application for Pardon scheduled to be heard was withdrawn.

**PARDONS EXTRAORDINARY GRANTED IN 2006 (total of 12)**

<i>Applicant</i>	<i>Year of Conviction</i>	<i>Crime(s)/Age at Conviction</i>	<i>Granted</i>
Allen, William	1988	Theft from Person/ 29	10/4/96
Armstrong, Michelle	1985	Aiding/Abetting Felony Theft/ 21	10/4/06
Brown, Michelle	1996	Aggravated Robbery/ 30	4/4/06
Edwards, Travis	1994	Assault, 5 <sup>th</sup> Degree/ 23	10/4/06
Fitch, Andrew	1994	Misdemeanor Theft/ 20	10/4/06
Kollars, Theodore	1980	Attempted Criminal Damage to Property/ 20	10/4/06
Matthews, Annie	1990	Drug Possession, 3 <sup>rd</sup> Degree/ 36	10/4/06
Nadler, Michael	1987	Drugs, Prohibited Acts/ 25	4/4/06
O'Brien, Michael	1974	Poss. Marijuana, Intent to Sell/ 25	4/4/06
Perry, Debora	1978 1981	Unlawful Poss. Cont. Subst./ 22 Drugs, Prohibited Acts/ 24	4/4/06
Pierre, Katherine	1980	Aggravated Robbery/ 32	10/4/06
Udeh, Christian	1998	Theft/ 18	10/4/06