

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

2007 Activity

Submitted by Randolph J. Hartnett, Secretary
Minnesota Board of Pardons
1450 Energy Park Drive, Suite 200
Saint Paul, Minnesota 55108-5219
Phone 651/361-7178
TTY 800/627-3529
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2007 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.

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 2007, administrative staff sent out 163 applications for pardons extraordinary or pardon/commutation in response to requests. As in the past, 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 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 9 and November 14, granted 17 pardons extraordinary during 2007, including one re-application. Six applications for pardons extraordinary were denied. Twelve additional applications were not considered because the Board declined to set aside the waiting period. Two of these applications were by the same individual, who applied in both the spring and fall. The Board did grant a set-aside of the waiting period in one case.

There were three applications for pardon/commutation reviewed under Minn. R. 6600.0500 and, of these, two were deemed to be ineligible based on criteria listed in the rule for 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 individual who was serving probation. This was denied.

One request for leave to re-apply was granted in 2007.

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. Often, this has previously 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. During 2007, a new process was initiated by which applicants applied separately for waiver of the waiting period. This has been fairly effective. As noted, of the 13 such applications submitted, all but one was denied.

Other Activities

Board staff continue to do automated records checks in an effort to assist local law enforcement agencies screen potential job applicants. In 2007, staff checked records on 310 police academy and other permit applicants. Staff also responded to 566 telephone inquiries.

APPLICATIONS RECEIVED AND ACTION TAKEN IN 2007

<i>Type of Relief</i>	<i>Number of Applications</i>	<i>Not Eligible/Denied</i>	<i>Granted</i>
Pardon/Commutation	3	3	-0-
Pardon Extraordinary	23	6	17
Pardon Extraordinary Waiver of Waiting Period	13	12	1

PARDONS EXTRAORDINARY GRANTED IN 2007 (total of 17)

<i>Applicant</i>	<i>Year of Conviction</i>	<i>Crime(s) /Age at Conviction</i>	<i>Granted</i>
Baumann, Jeffrey	9/10/1991	2 nd and 4 th Degree Burglary /26	11/14/07
Blake, Chad	8/22/1990	Criminal Damage to Property /19	4/9/07
DeGidio, Joseph	8/8/1970	Theft /37	11/14/07
Ezzam, Emad	12/6/1999	Carrying a Pistol Without a Permit /43	4/9/07
Flores, Norma	3/15/2001	Issuance of Dishonored Checks /24	11/14/07
Fox, Reginald	2/15/1967	Aggravated Robbery /22	11/14/07
	1/29/1982	Unlawful Poss. Sched. II Narcotic /37	11/14/07
	2/27/1985	Unlawful Poss. With Intent to Sell /40	11/14/07
Jackson, Carla	7/12/1996	Assault I, II, III, V Degree /27	11/14/07
Marks, David	3/4/1982	Drugs and prohibited Acts /21	4/9/07
Marshall, James	8/1/1991	2 nd Degree Possession of Cocaine /54	4/9/07
Martell, Clifford	5/25/1982	2 nd Degree Assault (3 counts) /22	4/9/07
Mistelske, Ronald	4/15/1992	Burglary- 3 rd Degree (4 counts) /21	4/9/07
Peck, Lori	11/13/1985	Unlawful Sale of Sched. II Narcotic /18	11/14/07
Ramphal, Madanphal	1/8/2001	Burglary 2 nd Degree /19	4/9/07
	4/30/2002	Fleeing from a Peace Officer /20	4/9/07
Sather, David	10/26/1981	Burglary; Burglary with Intent /22	11/14/07
Schanfield, David	4/9/1970	Forgery /22	4/9/07
Tucker, Hattie	6/16/1997	5 th Degree Assault /36	11/14/07
Warren, Brandy	3/15/2000	Theft over \$500 /21	11/14/07