

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

2009 Activity

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2009 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.

2009 Notes

While the extraordinary number of applications submitted in Spring 2008 was not matched this year, the trend of gradually increasing numbers of applications has continued. As is generally the case, the Board sent out many more applications than were completed.

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. In response to requests received during 2009, administrative staff sent out **175** applications for pardons extraordinary or pardon/commutation. 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. Moreover, the number of completed applications returned is substantially lower than the number sent out.

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

Decisions

The Board, which met on April 1 and November 23, granted **ten** pardons extraordinary during 2009. **Nineteen** applications for pardons extraordinary were denied. One applicant was granted a pardon extraordinary on several prior property offenses but was denied relief for two counts of Aggravated Robbery.* **Six** additional applications were not considered because the Board declined to set aside the waiting period. One applicant was calendared for the Spring meeting but was unable to appear due to inclement weather. This applicant was moved to the Fall meeting but was subsequently removed for falsifying applicant materials. One additional applicant had filed; however, upon review it appeared the applicant might not be eligible. In attempting to locate the applicant to discuss details, it was learned he had passed away.

There were **seven** applications for pardon/commutation reviewed under Minn. R. 6600.0500. Of these, all **seven** 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.

Four requests for leave to re-apply were denied in 2009.

Other Activities

Board staff continues to perform automated records checks in an effort to assist local law enforcement agencies screen potential job applicants. In 2009, staff checked records on **280** police employment and other permit applicants. Staff also responded to approximately **379** telephone inquiries.

APPLICATIONS RECEIVED AND ACTION TAKEN IN 2009

<i>Type of Relief</i>	<i># of Applications</i>	<i>Not Eligible/Denied</i>	<i>Granted</i>
Pardon/Commutation Commutation	7	7	-0-
Pardon Extraordinary	28	19*	10
Pardons Extraordinary Waiver of Waiting Period	6	6	-0-
Leave to Reapply	4	4	-0-

* One applicant was granted clemency on some offenses and denied on others.

Pardons Extraordinary Granted in 2009

<i>Applicant</i>	<i>Offense/ Age at Conviction</i>	<i>Date of Offense</i>	<i>Granted</i>
Beeney, Tammi (Rossi)	Theft (Aid & Abett)/ 32	06/22/1992	04/01/2009
Doughty, Berniece	Simple Robbery/ 21	08/10/1983	04/01/2009
Goblirsch, Joseph	Aggravated Robbery/ 22	04/23/1987	04/01/2009
VanBeck, Ervin	Burglary/ 19	05/14/1965	04/01/2009
Hoff, Laurence	Burglary 2 nd Degree/ 19 Liability for Crimes of Another/Check Forgery/ 19	09/17/1991 09/17/1991	11/23/2009 “”
Lawrence, Anthony	Theft (Aid & Abet)/ 32	03/05/1998	11/23/2009
McHenry, Mark	Unauthorized Use of a Motor Vehicle/ 23	10/31/1986	11/23/2009
Palmer, Daniel	Insufficient Funds Check Theft (Misd.)/ 19	03/29/1974 06/08/1974	11/23/2009
Sweeney, Sheila	Wrongfully Obtaining Assistance/24	01/27/1997	11/23/2009
Troyer, John	Aggravated Forgery-Uttering/ 18 Burglary with Tool/ 22 Aggravated Forgery/ 24 Burglary/ 23	09/28/1973 09/29/1977 07/16/1979 02/21/1978	11/23/2009 “” “” “”