

# **Minnesota Board of Pardons**

## **Annual Report to the Legislature**

### **2015 Activity**

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This report can be provided in another format upon request.

# 2015 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, 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 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 specified circumstances. The original conviction and the pardon extraordinary are recorded on the applicant's criminal record.

### 2015 Meetings

The Board met on May 20, 2015, and November 18, 2015.

### Pardons Extraordinary

The Board considered **thirty-nine** applications for pardons extraordinary and granted **eighteen; one** of which was conditionally granted upon the receipt of further information. Additionally, one of the applicants requested a pardon extraordinary for two convictions, but received a pardon extraordinary for only one conviction. The conviction for which clemency was denied was Manslaughter, 1<sup>st</sup> Degree.

**Twenty** of the remaining applications for pardons extraordinary were denied. **One** applicant failed to appear.

### Waiver of the Waiting Period

Pursuant to Minn. Stat. § 638.02, the waiting period is 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. Waiver of the waiting period requires the unanimous written consent of the Board. **Five** applications were considered by the Board and all were denied.

### General Pardon/Commutation

**Ten** applications for pardon/commutation were reviewed under Minn. Rule 6600.0500 and were deemed to be ineligible for Board consideration based on criteria in the rule. As required by law, summaries of the applications and the basis for exclusion were presented to the Board. Of these, the Board ratified exclusion in **nine** cases and permitted **one** application, which had been excluded, to be heard in 2016 on one of the three grounds presented.

**APPLICATIONS RECEIVED AND ACTION TAKEN IN 2015**

<b>Type of Relief Requested</b>	<b>Number of Applications Received</b>	<b>Number Determined Not Eligible and Denied</b>	<b>Number Granted</b>
Pardon/Commutation	10	9	1 (leave for formal consideration granted)
Pardon Extraordinary	39	21 (1 failed to appear)	18 (1 conditional)
Waiver of Waiting Period	5	5	0
Leave to Reapply	3	3	0

**PARDONS EXTRAORDINARY GRANTED IN 2015**

<b>Applicant Name</b>	<b>Offense(s)/Age at Conviction</b>	<b>Date of Conviction</b>	<b>Date Granted</b>
Bayne, Terry	Theft (misd.)/30	10/16/2000	05/20/15
Behrens, James	Theft-False Representation/20 Theft by Check/23	09/08/1976 03/08/1979	05/20/15
Bell, Patty	Cont'd Subst., 2 <sup>nd</sup> Deg. – Possession/25 Wrongfully Obtain Assistance-Theft/27	07/16/1993 04/04/1996	11/15/15
Brenner, Robert	Possession of Narcotics (Misd.)/20	05/07/1971	11/15/15
Chipman, John	Possession of Cocaine, 2 <sup>nd</sup> Deg./21	03/11/1997	05/20/15
Knudson, Jeffery	Burglary, 2 <sup>nd</sup> Deg./19	06/10/1991	05/20/15
Krogfus, Donald	Unlawful Poss. of Dangerous Drug/22 Unlawful Poss. of Marijuana/25	03/10/1969 09/14/1972	11/15/15
Lanegran, Jonathan	Receiving Stolen Property/18	08/29/2003	11/15/15
Larson, Randall	Burglary, 3 <sup>rd</sup> Deg. (6 counts)/24	09/13/1993	11/15/15
Moga, David	Burglary/22 Burglary/22	10/23/1969 09/08/1969	05/20/15
Mustafa, George	Poss. Cont. Substance, 2 <sup>nd</sup> Deg/27	08/30/1999	05/20/15
Ouellette, Robert	Simple Robbery/21	05/07/1980	05/20/15
Peirce, Lori	Wrongfully Obtain Assistance-Theft/23	10/23/1989	05/20/15
Petersen, Wesley	Disorderly Conduct/49	09/20/2001	05/20/15
Quimby, Adam	Assault, 5 <sup>th</sup> Deg./19 Mfg. Methamphetamine/23	10/19/1998 02/26/2003	11/15/15
Radysyuk, Ruslana	Wrongfully Obtain Assistance-Theft/25	08/19/2002	05/20/15
Villeda, Juan	Disorderly Conduct/22	11/21/2001	05/20/15
Washington Benjamin, Charolette	Felony Theft/26	03/22/1988	05/20/15