

MINNESOTA CODE OF AGENCY RULES

RULES OF THE BOARD OF PARDONS

1982 Reprint



All rules as in effect on September 15, 1982

Prepared by

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BOARD OF PARDONS

Board of pardons; procedural rules.

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I. The secretary of the Board of Pardons shall receive all applications for pardons, commutations, and pardons extraordinary. Applications for a pardon or commutation must be received 60 days before the meeting of the board at which consideration is desired. Applications for pardon extraordinary must be received 30 days before the meeting of the board at which consideration is desired.

II. Applications for relief shall be made on forms approved by the board and supplied by the secretary to the applicant. The forms shall request:

a. Information as required by Minnesota Statutes, section 638.05.

b. A list of witnesses who will appear on behalf of the person for whom relief is being sought, including a brief synopsis or statement of the testimony or facts or evidence which they will submit or present and their correct addresses.

Applications for pardons and commutations shall also include:

A. A statement of legal actions undertaken or pending on behalf of the party for whom relief is being sought. The statement should identify the grounds upon which relief was sought and the outcome or current status. If the court has acted upon the case in the previous five years, then the name, most recent address, and telephone number of the attorney handling the matter should be included.

B. A specific statement of the relief sought and an explanation why it should be granted. Examples of specific statements for relief should include:

Pardon on grounds of innocence, supported by evidence not otherwise assessable in a court of law;

Commutation to time served, commutation to a lesser sentence, commutation to reduce or remove a minimum sentence, a conditional commutation to achieve substantial equity with an accomplice, or commutation in light of recent decisions from court or the legislature on relevant matters.

To assist with the discussion of rationale for relief, the application shall contain a checklist of the most frequently used rationale supporting an application. For example:

The crime and trial - innocence, entrapment, inadequate counsel, unfair trial, prejudicial jury;

Sentence - excessive in light of plea bargain or in comparison to that given an accomplice, harsh in light of

criminal history;

Institutional adjustment - model prisoner, unusual educational achievements, religions conversion, recovery from chemical dependency, threats to life while in prison, no chance for rehabilitation in prison setting;

Personal situation - medical complications, total rehabilitation, desperate family need.

C. A statement of the current status of proceedings before the Minnesota Corrections Board (parole board), including whether the relief requested has been sought from the Minnesota Corrections Board and when and what decision the board made.

III. The secretary of the Board of Pardons shall prescreen all applications. Applications for pardon or commutation deemed undeserving by the secretary for further review by the board shall not be included on the ensuing calendar. The secretary shall inform the applicant why the matter was not placed on the calendar. Grounds justifying exclusion may include but are not limited to:

A. Failure to exhaust all judicial remedies;

B. Solely an appeal from a negative decision by the Parole Board;

C. Preferably a matter for (initial) consideration by the Parole Board;

D. Premature in light of recent violation of parole;

E. Unwarranted appeal from previous action by the Pardon Board because no new and substantial evidence is presented.

If an application for pardon extraordinary is received by the secretary prior to the applicant being discharged from his sentence for a period of at least 18 months, then the secretary may inform the applicant that the matter is premature.

IV. The secretary of the Board of Pardons shall prepare the calendar for each Pardon Board meeting. Those matters requesting a pardon or commutation shall be prepared and distributed to the members at least 14 days before the hearing. Included in the calendar shall be a summary of applications which were received by the secretary but deemed unworthy for inclusion on the calendar. That summary shall include a brief explanation of the relief sought, the grounds, and the rationale for the secretary's decision. The secretary shall prepare recommendations for each case to be heard by the board. The recommendation shall be to either grant relief or a modification of it, reject the application, or review the matter closely.

The calendar for pardons extraordinary shall be prepared

and distributed to the members five days before the hearing. The secretary shall note those applications which he found to be premature by identifying the nature of the crime, the underlying reasons supporting a need to grant relief, and time since discharge from sentence.

If an applicant for a pardon extraordinary has been convicted of only one crime which is a felony classified as a level IV or less severe crime under the Sentencing Guidelines Commission standard, the applicant has been discharged for at least 5 years, and the applicant has no negative comments to his request for relief, then the secretary may inform the applicant that he has the option of not appearing at the hearing. If the applicant is informed that he has the option of not appearing at the hearing, he shall also be told that if at the hearing the members of the board feel his presence is necessary, then action on the application will be delayed for approximately 90 days until the next meeting of the board.

V. In all cases where a prisoner has violated his parole, or probation or other field supervision and has been returned or committed to imprisonment, he/she shall not be eligible to apply for pardon or commutation of sentence until he/she has been considered by the Minnesota Corrections Board or has served at least 12 months from and after the date of return for commitment to imprisonment, all judicial remedies having been first exhausted.

VI. No application for rehearing on a matter which has been considered by the Board of Pardons and denied on its merits, shall be granted except as follows:

The application must contain new and substantiated facts not previously considered by the board.

If the application contains new and substantiated facts, then the secretary of the board may include the application on a rehearing calendar.

If after consideration, at least two members of the board consent to a new review, then the new application shall be scheduled for hearing at the meeting of the board next following the meeting at which such consent was given.