

THE LEGAL REVOLUTION



Minnesota Pardon Application Guide

A step-by-step guide to help you complete and submit
a Minnesota Application for Pardon.

DISCLAIMER – This Application Guide *is not* legal advice and *does not* replace individualized legal assistance from a licensed attorney. It is designed as an informational resource only and to help those pursuing a pardon without the assistance of an attorney.

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The Basics

What is clemency?

The term **clemency** is a broad, umbrella term that encompasses any form of relief from prior criminal convictions. The types of clemency currently available in Minnesota are **commutations, pardons, and reprieves**.

What is a pardon?

A pardon is **an act of forgiveness** that sets aside a conviction and places a successful applicant back in the position they were before the conviction was on their record. A pardon **also expunges a pardoned conviction from one's criminal record**.

What is a commutation?

A commutation **modifies one's criminal sentence** to be less severe. A successful commutation may lead to a reduction in the amount of time someone is in prison, on supervised release, or on probation.

What is the difference between a pardon and a commutation?

A pardon and a commutation are both forms of relief that grant clemency to individuals.

However, commutations involve **active criminal cases** and pardons involve cases where the person applying has **completed their criminal sentence**.

For applicants who are currently incarcerated or on any form of supervised release or probation, it would probably be more strategic to apply for a commutation of that sentence and not a pardon. If you have multiple convictions for which you would like clemency, it would be best to consider each charge individually.

What laws govern pardons in Minnesota?

Chapter 638 of the Minnesota Statutes control eligibility and the pardon process. These statutes are available for free at the Minnesota Revisor's Office website. A link to the website can be found in the **Resources section** at the end of this packet.

What types of cases are eligible for a pardon?

Pardons may be granted for **felonies, gross misdemeanors, and misdemeanors**. The Board of Pardons cannot pardon a petty misdemeanor or a case from juvenile court. The Board of Pardons also cannot pardon cases that did not result in a conviction. For cases that are ineligible for a pardon, you should see if they are eligible for automatic expungement under the Clean Slate Act and/or seek an expungement instead of a pardon.

Can I apply for a pardon of federal case or an out-of-state conviction?

No. The pardon process outlined in this guide only applies to **state convictions within Minnesota**.

Can I apply for a pardon of a serious crime?

Yes. The Clemency Review Commission and Board of Pardons have the authority to **pardon the sentence of any offense**. However, it is generally harder to obtain a pardon of more serious cases.

When can I apply for a pardon?

Anyone is eligible to apply for a pardon **five (5) years after they complete their sentence**. If you apply before you are eligible, the Clemency Review Commission will deny your application without a hearing.

There is a form through which you may **request a waiver of the initial waiting period**. However, waivers are only granted if the applicant can prove unusual circumstances or demonstrate special needs.

Can I reapply for a pardon if I was denied one in the past?

Yes, you may reapply for a pardon. But you must wait to reapply until five (5) years after the date of your most recent pardon denial.

If five years have not passed since your most recent clemency request, you must **request permission to reapply early**. The Clemency Review Commission and Board of Pardons will only grant this waiver based on the presence of new information or change circumstances.

What is the cost?

It is free to pursue a pardon! There is no filing fee or cost to submit your application to the Clemency Review Commission and Board of Pardons.

Do I need an attorney?

While it might help, **you do not need an attorney to complete or file a pardon application**.

What is the process once I have submitted an application?

As of July 2024, there is a new review process for pardon and commutation applications. Now, **the Clemency Review Commission reviews all applications and holds hearings before any applications are considered by the Board of Pardons.**

If you apply for a pardon and the Clemency Review Commission finds you are eligible, it will hold a public hearing on your case and make a recommendation to the Board of Pardons. The recommendation may be **to approve your request, deny your request, and/or hold a hearing on the matter.**

If the Clemency Review Commission holds a hearing on your application, you are invited to attend and provide testimony about your case and rehabilitation.

Am I guaranteed to have a hearing?

No. The Clemency Review Commission **may deny a public hearing** for your application if they find you are ineligible.

Who is on the Board of Pardons?

There are **three members** on the Board of Pardons: The Governor, the Minnesota Attorney General, and the Chief Justice of the Minnesota State Supreme Court.

Who is on the Clemency Review Commission?

There are **nine public members** on the Clemency Review Commission. Each member of the Board of Pardons appoints three commission members.

What vote is needed to grant a pardon?

For an application to receive approval from the Clemency Review Commission, **a majority of those voting must agree** – usually five (5) out of nine (9). Note that the exact number may be different if a commission member recuses him or herself from the vote.

For an application to receive approval from the Board of Pardons, **the Governor and at least one other member must vote in favor of the pardon.**

General Application Tips

Write clearly. Take your time and write each word clearly – especially if you are handwriting your responses on the form.

Be thorough. Tell your full story and remember that details matter. The Clemency Review Commission and the Board of Pardons will ask you follow-up questions about any outstanding details that you don't address, so providing sufficient information in your application may prevent confusion or extended questioning at your hearing.

If you don't remember certain details, you can note in your application that you have explained things to the best of your abilities. But you should avoid making general claims – for example, “I am a different person than I was ten years ago” or “I have grown a lot.” – without including specific examples and showing the Clemency Review Commission and Board of Pardons what you mean by that statement.

Don't leave sections blank. If a section does not apply to you, simply state “none” or “not applicable.”

Be honest. State the facts without exaggeration or failing to tell the entire story. Hiding things will not work in your favor because the Clemency Review Commission and Board of Pardons have access to extensive information about you. If it appears that you purposefully omitted something important, they may use that against you.

Accept responsibility. If you are seeking a pardon, it is because you were convicted of a crime. The Clemency Review Commission and Board of Pardons are critical of applicants who do not accept responsibility for their crimes. You do not have to prove that you are innocent to obtain a pardon. In fact, both groups are more interested in your efforts to learn from the past and rehabilitate yourself than your innocence or guilt during the underlying criminal incident. If you would like to argue innocence, then a pardon may not be the most appropriate process through which to seek relief.

Obtain a copy of your criminal history. Before you complete your Application for Pardon, obtain a copy of your criminal history report from the Minnesota Court Records Online (MCRO) and/or the Bureau of Criminal Apprehension (BCA). MCRO is a free online tool that allows you to search all convictions, while the BCA “personal criminal history report” must be requested and includes all of your interactions with law enforcement and the courts, even those interactions that did not result in a conviction. Links to each of these offices' websites are included in the **Resources section** at the end of this packet.

Completing the Application

To apply for a pardon, **you must use** the Board of Pardon and Clemency Review Commission's "Application for Pardon" form, which is available online and can be filled out on the computer or by hand. A link to the application form can be found in the **Resources section** at the end of this packet.

The Clemency Review Commission and Board of Pardons can deny your application if you do not use this form, so you should avoid using a different form or creating your own version of this form.

Once you have downloaded the form, start by reviewing the whole thing to get a sense of the questions. Then you can begin filling out each section, referring to the section-by-section advice and instructions in this part of the guide.

Application Identification Information (Pages 1-2 of the Application)

This is a self-explanatory section that is designed to inform the Clemency Review Commission and Board of Pardons of your basic personal information.

Feel free to insert "None" or "N/A" in any section that does not apply to you. However, do not exclude any information that you are able to provide. You should do your best to provide as much information as possible in this section.

Use of Other Names (Page 2)

Simply list any other names or identities that are connected to your name. If you used a different name before or while you were married or for any other reason, list that in this section.

For this section, the approach should be: **When in doubt, list it.**

Clemency Application History (Page 2)

If you have applied for a commutation, pardon, or pardon extraordinary in the past, disclose your prior application. Be as thorough as possible when describing the timing and the outcome of that application.

Criminal History (Pages 2-3)

This section requests general information about your criminal history and is followed by a section requesting further details about the convictions for which you are seeking a pardon. This section does not require descriptions of any crimes that you disclose, but you should provide accurate and detailed information so that the Clemency Review Commission and Board of Pardons can find information if they want to look into these things when reviewing your application.

The questions in this section of the application include:

- **Have you previously been in prison?** If you were ever in prison, in any state, check the “Yes” box. If you were in jail and not prison, you can check the “No” box. If you are not sure whether you were in jail or prison, check the “Yes” box and add a short explanation next to your answer.
- **List all states where you have been in prison.** Simply list those states.
- **Offender number for all states where you have been in prison.** List all of your offender identification numbers (OID), if you remember. If not, try to locate these identification numbers. If you cannot locate a number, simply write “unknown” or “unable to locate.”
- **List any pending criminal charges or investigations.** A charge is “pending” if the prosecution has filed charges against you in district court. However, if you are aware of a matter that law enforcement is investigating or for which you were arrested, even if you have not yet been charged with a crime, disclose the interaction with law enforcement. In the end, the Clemency Review Commission and Board of Pardons will obtain this information, and it is better to disclose the event even if you are unsure if law enforcement is still investigating the incident.
- **Arresting agency for pending criminal charges or investigations.** Simply list the city police, county sheriff’s office, or other law enforcement agency involved in your pending charge or ongoing investigation, if any.
 - What if I was arrested but not charged? It is hard to know when law enforcement has an active open investigation. We encourage you to list all arrests within the last five years to ensure that you disclose everything.
- **You are also required to disclose any Orders for Protection, Restraining Orders, or Domestic Abuse No-Contact Orders (DANCO) issued against you in the last five (5) years.** When completing this section, list the court file number, who requested the order, and who is protected by the order.

- What if I don't know the court file number? You can look up this information at the computers at the courthouse or call the courthouse and ask for the information. Many of these types of cases are not publicly available on the court's online databases. That is why you might need to go to the courthouse or call the court for information.

Conviction Instructions and Description of Convictions (Pages 3-6)

Besides general disclosures about your criminal history in the section above, the Clemency Review Commission and Board of Pardons also require more detailed information about criminal convictions for which you are seeking a pardon.

You should review the instructions regarding criminal convictions closely, but can also find supplemental information below.

- **What will the Clemency Review Commission and Board of Pardons review?**
They will review your *entire* criminal history.
- **What should I include when disclosing my criminal history?** Include ALL criminal convictions in Minnesota, federal court, and any other state. You do not need to include cases that did not result in a conviction in your application, but the Clemency Review Commission and Board of Pardons may ask you about non-convictions at your hearing.
- **What types of convictions should I include?** You should include all convictions, including convictions for traffic violations. It is far better to overreport than underreport. You do not want the Clemency Review Commission or Board of Pardons to think you are trying to hide something from your past.
- **Should I list Petty Misdemeanors?** You do not need to include petty misdemeanors. But, if you do not know whether the case was a misdemeanor or petty misdemeanor, we encourage you to list the matter and note that you do not know the level of the conviction.
- **What if I don't know all the information?** As noted above, you should obtain a complete copy of your criminal history held at the Bureau of Criminal Apprehension (BCA) and/or review your criminal history on Minnesota Court Records Online (MCRO) to ensure you are well-informed about your criminal records in Minnesota.
- **What if I am charged with a new crime after I file my application for commutation?** You must send a communication to the Clemency Review Commission and/or Board of Pardons informing them of those charges. Simply

reach out to either office and let them know about the additional charges. Be as specific as possible.

- **What if I run out of space on the form?** If your list of convictions is longer than the space allows, simply add pages with the information. You should not exclude information just to fit within the pages allotted in the packet.

In the section following “Conviction Instructions,” you will discuss the criminal convictions you are asking the Clemency Review Commission and Board of Pardons to consider. Do NOT list convictions that you are not seeking to have pardoned – you will list those convictions in the following section of the application.

Regarding the convictions for which you are seeking a pardon, identify which cases you want the Clemency Review Commission and Board of Pardons to consider. Do your best when answering these questions, but know that it is common for applicants not to know all the answers. If there is a question that you aren’t able to answer, you should include whatever information you do have or note that you don’t recall or don’t have access to some of the information.

For the other questions, consider the following advice:

- **Court File Number:** Add it if you know it. If you don’t, state “Unknown.”
- **Date of Conviction:** This is the date you accepted a plea or were found guilty by a judge or jury.
- **County of Conviction:** This is the county where the case was prosecuted.
- **Offenses:** List the crimes for which you were convicted. Here you can also include the statute if you know the specific statute under which you were charged, or if it is listed in your BCA report or the MCRO results.
- **Sentence:** List your sentence – either based on your understanding or based on what is listed in your BCA report or the MCRO results.
- **Plea:** List whether you accepted a plea, and if so, what the terms of that plea were. If you went to trial, list “None.”
- **Sentence Expiration/Discharge Date:** This is like the “sentence” question above, but you should list when your sentence ended. This is generally when one is released from all court supervision.

- **Sentencing Judge:** List this if you recall. If you do not remember, simply state “I do not remember.” If you have a copy of your BCA report or MCRO files, the sentencing judge may be listed there. If there is more than one judge listed, just include the one who is listed by your original sentencing information.
- **Prosecutor:** List the county attorney’s office and the name of the actual prosecutor, if you remember. If you do not recall, write “I do not remember.”
- **Victim(s):** List the names of all victims in your case.
- **Amount of Court-Ordered Restitution and Fines:** This refers to the total amount that was a part of your original sentence. If you recall the amount, include this information. If you do not know, state “Unknown.”
- **Amount Paid:** If you recall, include this information. If you do not know, state “Unknown.” If you have made payments, provide documentation.
- **Amount Still Owed:** If you recall, include this information. If you do not know, state “Unknown.”
 - TIP – Pay outstanding fines, if possible. Generally, the Clemency Review Commission and Board of Pardons will an application if restitution or fines are unpaid. Contact the court to make sure you have paid all fines and restitution. If you have any unpaid fines or restitution, arrange to complete payment **before** submitting your pardon application, if at all possible.
- **Briefly Describe the Facts of the Offense:** This is the most important question in this section of the application. You must explain the offense in a way that is accurate and complete. Don’t hide what you did, just explain factually what happened.
 - TIP – Do not blame others. If you were convicted of an offense that you committed, accept responsibility for your actions. The Clemency Review Commission and Board of Pardons can grant a pardon even if you committed the crime. You do not have to prove you were innocent or somehow less guilty than others. The biggest mistake is not accepting responsibility for your actions.
 - TIP – Explain your life at the time of the offense. Were you struggling with chemical use, mental health issues or other things that impacted your decision making? We suggest including this information but be very clear that you are not including this information to avoid blame, only to provide background information.

- TIP – If you were young at the time of the incident, identify how old you were when the incident occurred. The Clemency Review Commission and Board of Pardons recognize that young people make mistakes they would not make if they were more mature at the time. We suggest simply adding your age and not arguing that you were unable to make rational decisions because of your age. You can add some information about your maturity later in the application.
- TIP – Arguing innocence can be a problem. A pardon is generally not about innocence, but about forgiveness. If you took a plea, then you admitted to the facts of the case and a pardon is generally not the place to argue that you did not commit the crime. You are not asking the Clemency Review Commission and Board of Pardons to reopen your case; you are asking for forgiveness and a chance to move on with your life.
- **List any violations of your conditions of release related to this conviction, including the violation dates:** If none, list “None.”

Convictions for Which You Are Not Seeking a Pardon (Page 7)

In this section, list all offense for which you are not seeking a pardon, including any out-of-state, federal convictions, and misdemeanor traffic convictions. Some of this information may repeat information that you disclosed in an earlier section – in fact, the information should match if you do have any convictions for which you are not seeking a pardon.

In this section, a description of the crime is not required, but you should still try to provide as much information as you have or can remember. If there are details you don’t remember, note that. Make sure that the Clemency Review Commission and Board of Pardons know that you are providing all the information that you have access to. You do not want them to think you are purposefully hiding anything.

The Reason You Are Asking for a Pardon (Pages 8-9)

The four questions on these pages provide you the opportunity to tell the Clemency Review Commission and Board of Pardons what receiving a pardon would mean to you.

These are important questions that require significant detail and, possibly, descriptions of your life, your work, your relationships, and your goals. Take your time to reflect when answering these questions and make sure to provide specific details.

Also plan to write several drafts to make sure your application is as close to perfect as possible when you file it with the Clemency Review Commission. You want the Clemency Review Commission and Board of Pardons to know that you take this process seriously.

- **Describe your past and current employment and education since your convictions (information must be provided here, do not attach a resume).** List where you have worked since your conviction and include a short description of job duties. Include dates of employment if you can. When describing your education, think broadly about any schooling, trade programs or any other educational programs that you have participated in. When in doubt, list it.
- **Describe steps you have taken to improve yourself since your conviction(s), including such things as community service or volunteer activities, participation in support groups, and service to family members. This is a very important section.** Take your time and think about what you have done to better yourself since the conviction. Be specific.
 - If you had a chemical use problem at the time of the incident, explain in detail what you have done to get and stay sober. List all treatment, support groups, mentors, sponsors, and date of last use. In any case that involves drug or alcohol use, you should detail your efforts towards sobriety.
 - If you have struggled with mental health issues, describe what you have done to address those issues. Inform the Clemency Review Commission and Board of Pardons about your efforts to work with therapists, take medication, learn meditation, or any other services that you have used to help you manage your mental health.
 - List the things in your life that keep you from making bad decisions. If your children or anyone else you have a relationship with helped you in your journey, list those people and detail how they have helped and continue to help you.
 - Remember that attending religious services, participating in your children's sports, hobbies, or education are important to list. Giving back to your community as a mentor or a volunteer in any way is also important to share in this section.
- **Describe why you believe you are a good candidate for a pardon. This is another important section.** Use this section to illustrate to the Clemency Review Commission and Board of Pardons that you do not pose a risk of harm to society. We suggest not listing all of your hardships in this section. You can list those in the next section. Instead, use this section to explain to the Clemency Review

Commission and Board of Pardons what you have learned from your mistakes and why you won't make the same mistakes again.

- If you were young when the incident occurred, explain who you were then and how you have matured since. What has changed about you? What do you think about the person you were at the time of the incident? The Clemency Review Commission and Board of Pardons are aware that young people make mistakes.
- **What would a pardon help you accomplish?** Use this section to explain how your criminal record interferes with your life and how a pardon will benefit you. We encourage you to be specific.
 - If you are looking for a job, explain and detail your past efforts to find a job or moments when your record interfered with your career goals. Then explain, if you were granted a pardon, what job you would hope to obtain.
 - If challenges finding housing is another reason you are seeking a pardon, explain in detail why your current housing is not ideal and how a pardon would positively impact your ability to find housing.
 - If you are seeking a pardon for immigration purposes, be specific and identify exactly how a pardon will help. Include your efforts to obtain permanent residency, citizenship, or any other immigration status, and how your record has prevented you from obtaining that status. Also list any of your efforts to stop deportation.
 - While stigma is often an important reason why applicants seek a pardon, we encourage you to include more examples beyond stigma for why you want a pardon. Some other examples include:
 - Wanting to attend school activities for a child
 - Foster parenting
 - Restoration of civil rights
 - International travel, especially to visit friends or family

Support/Recommendation Letters (Page 10)

Although not required, letters of support or recommendation may be submitted with your application. The inclusion of such letters can strengthen an application packet.

Information on what letters should include and who should write letters can be found in the **Obtaining a Letter of Support section** that starts on page 16.

Signing and Submitting the Application

Once you have completed the application to the best of your ability, you should read it over one or two more times to make sure that everything is accurate and the formatting, spelling, and grammar are correct.

You also **must make sure to sign the document, date it, and list the County and State where you signed the Application for Pardon.** If your cases are in Minnesota, but you are living in California when you sign the application, for example, then list the County in California and State of California in the signature section. This will not count against you in front of the Clemency Review Commission or Board of Pardons, but must be accurate.

Once your application is complete, the final step is to submit your complete, signed packet to the Clemency Review Commission. There are two methods by which you can submit your packet:

- **By Mail:** Send the full application and any letters of support to the Clemency Review Commission at the following address:

**Clemency Review Commission
520 Lafayette Road
St. Paul, Minnesota 55155**

- **By Email:** Scan and email the application and any letter of support to the Clemency Review Commission at:

clemency.review.commission@state.mn.us

If you have letters of support, make sure to submit them with your Application for Pardon. You may submit them after your initial application has been sent to the Clemency Review Commission. However, this might extend the process for initial review and scheduling.

Always keep a copy of your application and proof you submitted it, and follow-up with the Clemency Review Commission office if they have not confirmed receipt of your application with one to two weeks.

You can request confirmation of receipt or submit questions to the office's email (clemency.review.commission@state.mn.us) or call them at 651-539-2610.

Obtaining a Letter of Support

It is helpful to include statements from those who know you and who can speak to specific elements of your rehabilitation. A letter of support can be the difference between winning and losing a pardon. As such, you should ensure that you obtain powerful statements of support from the right people. That said, you should also make sure you do not send more than six (6) letters – that is the maximum number the Clemency Review Commission and Board of Pardons will consider.

Who should I get to provide me with a letter of support? While family and friends are helpful, try to get some statements from people who know you in a professional or therapeutic setting. For example, employers, people from your church, those at a volunteer position, sponsors, treating therapists, etc.

Should I get a statement of support from the victim? Obtaining a statement of support from a victim can be very helpful. However, you should **NEVER** contact the victim if there is any legal order that prohibits your contact – for example, a domestic abuse no-contact order, harassment restraining order, order for protection or anything similar. If you are unsure whether one of these orders is in place, do not risk it and do not contact the victim. But, if you are close with the victim and the victim supports your efforts to clear the record, it is very helpful.

What should the statement say? There is no single way to write a statement of support, but below are some helpful items to address:

- How do you know the applicant?
- How long have you known them?
- What do you think of them?
- Do you trust them? If so, why?
- Can you give any examples of when you found the applicant trustworthy or when they exhibited strong moral character?
- Do you have any concerns about the applicant's safety?
- What are some of the aspects of the applicant's personality that you think are positive?
- Do you support the applicant's request for a pardon?
- Why do you support the applicant's request for a pardon? Can you be specific?

What form is best for a statement of support? It should be TYPED, DATED and SIGNED.

It's best to avoid emails or printed text messages. Typing, dating, and signing the letter shows that your supporters take it seriously and that you take the pardon process seriously as well.

Sample Letter of Support:

January 17, 2023

Clemency Review Commission
520 Lafayette Road North
St. Paul, MN 55155

Re: Larry Johnson Statement of Support

Dear Commission Members:

My name is Lance Hawk and I am writing this letter in support of Mr. Johnson's request for an expungement. I have known Mr. Johnson for fifteen years and I was his supervisor at the Salvation Army from 2008-2018. I have remained in contact with Mr. Johnson since that time.

Mr. Johnson joined the Salvation Army staff as a Driver in 2008. I was aware of his legal trouble in the past, but our organization believes in redemption and rehabilitation. Mr. Johnson was a reliable and honest Driver and was an asset to the organization. In 2015, I promoted Mr. Johnson to the Supervisor of five other Drivers. During this time, he was always responsible and dedicated to his work. He excelled at his job and was never a problem. In 2016, our office awarded him a merit bonus for all of his wonderful work. Mr. Johnson left employment at the Salvation Army in 2018, but I remain in contact with him.

While I do not know who Mr. Johnson was when he committed this crime, I know him now as a hardworking, conscientious, and dedicated employee. I support his expungement request.

Please feel free to contact me with any questions.

Sincerely,

Lance Hawk
612-555-5555

Resources

Minnesota Clemency Review Commission Website: <https://mn.gov/crc/>

Application for a Pardon: https://mn.gov/crc/assets/application-for-pardon-fillable_tcm1208-627244.pdf

Request for Waiver of the Initial Waiting Period or Permission to Reapply Early After Denial: https://mn.gov/crc/assets/request-for-waiver-fillable_tcm1208-627245.pdf

Minnesota Statutes, Chapter 638 (laying out the statutory framework for the pardon application and review process): <https://www.revisor.mn.gov/statutes/cite/638/full>

Information on Getting a Copy of Your Criminal History from the Bureau of Criminal Apprehension: <https://dps.mn.gov/divisions/bca/Pages/criminal-history-search.aspx>

Minnesota Court Records Online: <https://www.mncourts.gov/Access-Case-Records/MCRO.aspx>

The Legal Revolution Law Firm Website: <https://www.allsquarempls.com/the-law-firm>

Upcoming Hearing Dates:

- Clemency Review Commission:
 - o November 1, 2024
 - o February 7, 2025
 - o March 7, 2025
 - o April 4, 2025
 - o May 2, 2025

- Board of Pardons Hearing:
 - o December 13, 2024