
State of Minnesota,

Plaintiff,

v.

**STATE’S MEMORANDUM IN
SUPPORT OF PETITION FOR
PROSECUTOR-INITIATED
SENTENCE ADJUSTMENT
UNDER § 609.133**

Jerome Deon Nunn,

Court File No. 27-CR-95-068982

Defendant.

TO: The Honorable William Koch, Judge of the Fourth Judicial District, and Defense Counsel David Singleton.

INTRODUCTION

For 28 years, Jerome Nunn has been serving a life sentence for a first-degree murder he committed when he was 19 years old. The State now asks this Court to adjust Nunn’s life sentence to time served under Minn. Stat. § 609.133. As described in the State’s petition and this supporting memorandum, Nunn has expended extraordinary effort to rehabilitate himself over nearly three decades. The list of those who have come to support sentencing relief for Nunn over the past ten years is as distinguished as it is long:

- First and foremost, Danielle Jones—the very mother of the decedent in this case—has been advocating for Nunn’s release for ten years. Nunn credits her forgiveness, friendship, and grace for his remarkable progress while incarcerated.¹
- In 2022, Governor Tim Walz proposed that Nunn be immediately eligible for parole at Nunn’s commutation hearing, and stated his intention to speak to the legislature about the release of individuals who, like Nunn, are serving mandatory sentences that no longer serve the interests of justice. (The following year, Governor Walz signed § 609.133 into law, allowing the State to seek this relief).²

¹ See Exs. 12(A)-(B); Exs. 13(B)-(C) at 10:36-11:56.

² Exs. 13(B)-(C) at 26:02-30:58.

- Attorney General Ellison marveled at Nunn’s “very, very excellent institutional record” and the number of letters in support of his commutation.³
- Former Chief Justice Lori Gildea, who declined on principle to commute Nunn’s mandatory life sentence, still recognized his “extraordinary record” and the “compelling” testimony of Danielle Jones in support of Nunn, when she agreed to commute his consecutive sentence to one that was concurrent.⁴
- DOC Commissioner Paul Schnell, who found, “consistent with the public interest and public safety,” that Nunn could transition to work release years prior to his July 2025 parole hearing under § 241.26.⁵
- Prior Hennepin County Attorney Michael Freeman, who: asked this Court to resentence Nunn so that he could be released and serve the community, after the Hennepin County Attorney’s Office had for decades opposed any challenge to the conviction or sentence; and who supported the immediate release from custody of Nunn before the Board of Pardons.⁶

Finally, while concluding in 2022 that it lacked the legal authority to resentence Nunn, this Court recognized that Nunn “has demonstrated great resiliency and leadership since he committed this offense as a young man.” Index #140, ¶ 46. The Court acknowledged “the limitations of mandatory sentences” and correctly divined that Nunn’s case was a prime “example of how individual prosecuting offices can obtain a conviction, obtain a lawful sentence,” but then “realize a difference sentence may be appropriate.” *Id.*

Nunn’s case does indeed demonstrate why prosecutors should have the discretion now provided under § 609.133 to adjust a sentence that may have once—but no longer—serves the interests of justice and public safety. Over 28 years in prison, Nunn has demonstrated that he is a changed man. And with the enactment of § 609.133 in 2023, the State may now seek, and the Court

³ *Id.*, 18:44-19:02.

⁴ *Id.*, 24:32-25:12.

⁵ *See* Ex. 2.

⁶ *See* Index #140, ¶¶ 21, 46; Ex. 13(A) at 1.

may now grant, a sentence adjustment for Nunn that recognizes he has accounted for his wrongdoing and changed his ways.

Because there are substantial and compelling reasons to adjust Nunn's sentence to time served, the Court should grant the State's petition under § 609.133.

BACKGROUND & APPLICABLE LAW

On December 15, 1995, Jerome Deon Nunn was found guilty of Aiding and Abetting First Degree Murder under Minnesota Statutes §§ 609.185(1), 609.05 and 609.11 (1996), and of Aiding and Abetting Attempted First-Degree Murder under Minnesota Statutes §§ 609.185(1), 609.05, 609.11, and 609.17. He was sentenced to life in prison, with a consecutive sentence of 180 months, which was later commuted by the Board of Pardons to be served concurrently to the life sentence.

Minnesota Statute § 609.133, allows prosecutors to petition the court to adjust an individual's sentence when that person's continued confinement or supervision are no longer in the interests of justice or public safety. This relief is referred to in the statute as "Prosecutor-Initiated Sentence Adjustment" (PISA). The Court may grant such a petition "*notwithstanding any law to the contrary*, if the Court determines that by a preponderance of the evidence there are substantial and compelling reasons to adjust the individual's sentence[.]" Minn. Stat. § 609.133, subd. 7(b) (emphasis added).⁷

Pursuant to Minn. Stat. § 609.133, subd. 7(a), when analyzing the State's Petition,

the Court *shall* consider what impact, if any, a sentence adjustment would have on public safety, including whether an adjustment would promote the

⁷ Under Minn. Stat. § 609.133, subd. 7(b)-(c), the Court may modify the sentence in any way, but may not: increase the period of confinement or increase the period of supervision; reduce or eliminate the amount of court-ordered restitution; reduce or eliminate a term of conditional release required by law when a court commits an offender to the custody of the commissioner of corrections; vacate a judgment of conviction or enter a judgement of conviction for a different offense or impose sentence for any other offense.

rehabilitation of the individual, properly reflect the severity of the underlying offense, or reduce sentencing disparities.

In making this determination, the [C]ourt may consider factors relating to both the offender and the offense, including but not limited to:

- (1) the presentence investigation report used at sentencing, if available;⁸
- (2) the individual's performance on probation or supervision;
- (3) the individual's disciplinary record during any period of incarceration;
- (4) records of any rehabilitation efforts made by the individual since the date of offense and any plan to continue those efforts in the community;
- (5) evidence that remorse, age, diminished physical condition, or any other factor has significantly reduced the likelihood that the individual will commit a future offense;
- (6) the amount of time the individual has served in custody or under supervision; and
- (7) significant changes in law or sentencing practice since the date of offense.

The Court must also “consider the victim’s statement when making a decision.” Minn.

Stat. § 609.133, subd. 6(b).

Given Jerome Nunn’s extraordinary efforts at rehabilitation throughout his 28 years of incarceration, including his minimal—almost non-existent—discipline, his dedication to bettering himself and others through his mentorship, work, and participation in and even development of DOC programming, there are substantial and compelling reasons to adjust Nunn’s sentence to time served. Accordingly, this Court should grant the State’s petition.

⁸ See Confidential Ex. C19; see Minn. Stat. § 13.85, subd. 4.

ARGUMENT

I. THE REQUESTED SENTENCE ADJUSTMENT SUPPORTS PUBLIC SAFETY BY PROMOTING NUNN'S REHABILITATION & NUNN IS NOT A THREAT TO PUBLIC SAFETY.

A. Allowing Nunn to continue his work in the community supports his continued efforts at rehabilitation.

Nunn's prison record—full of certificates and educational accomplishments, and void of any discipline since 1996—speaks for itself and is described in detail in the Petition and attached exhibits. But it is the letters of support Nunn collected for this Court within the last six months that show the positive effect Nunn has had on people inside and outside the prison walls. And these letters demonstrate that Nunn is genuine in his stated desire to “help people and be there for others, so [he] can make a difference in their lives.”⁹ A sentence adjustment that allows him to live in the community without restrictions would allow him to continue in his rehabilitative efforts, which revolve around helping others.

As just one example: Marcel Urman, a formerly-incarcerated individual whom Nunn inspired to become a tutor in the MCF-Stillwater computer lab, writes to this Court about the positive effect Nunn had on others in prison. Urman describes Nunn as a peacemaker who broke up fights before they escalated further, as a teacher who “transformed the lives of fellow residents,” and as a friend who “dispel[led] some false narratives about hyper masculinity and the need to be tough or ‘hard’ when incarcerated, and while living on the outside.” Urman further said of Nunn: “Jerome has a powerful story that can help gui[de] some of our mislead youth. His experience holds weight and affords him a platform few others have.”¹⁰

⁹ Ex. 15(J).

¹⁰ Ex. 15(L).

Another letter writer, who met Nunn through a prison fellowship program, writes that he was a leader in the church at MCF-Stillwater who was “always mentoring” those who were “struggling with life inside Prison” and acknowledged that Nunn was still involved with the DOC’s Restorative Justice Program that he helped launch and develop.

The DOC records and letters of support also show that Nunn has continued working to help others while on work release and “plan[s] to continue those efforts in the community.” Minn. Stat. § 609.133, subd. 7(a)(4). While Nunn obtained gainful employment upon his transition to work release—working in facility maintenance, then as a laborer at a recycling center, and a hydraulic and mechanical specialist at a manufacturing company—Nunn wanted to work in ways that he thought would more effectively serve the community.¹¹ For that reason, he applied for and obtained a job as a re-entry specialist at EMERGE Community Development, a non-profit that helps people with criminal records find meaningful employment.¹² This is the same program in which Nunn had participated upon his transition to work release.¹³ Nunn made such an impact on the EMERGE team that, according to the re-entry program director, EMERGE invited him to apply for an opening at their organization when one became available.¹⁴ EMERGE’s General Manager and colleagues at EMERGE have written letters of support of Nunn’s sentence adjustment, praising him as “deeply committed to making a difference in the lives of those participants he coaches and mentors daily,”¹⁵ and observing that “it’s a pleasure to be working with him, seeing how participants light up when they see [him].”¹⁶

¹¹ Nunn Affidavit, ¶ 10; *see also* Ex. 15(B).

¹² Nunn Affidavit, ¶ 12; *see also* Ex. 15(B).

¹³ Nunn Affidavit, ¶ 10; *see also* Ex. 15(B).

¹⁴ Ex. 15(B).

¹⁵ Ex. 15(D).

¹⁶ Ex. 15(C).

B. If the DOC grants Nunn supervised release in 2025, his conditions of release could hinder his work in the community, and continued supervision is not an effective use of correctional resources.

Since transitioning to work release 16 months ago, Nunn has been subject to numerous standard conditions of release—most, if not all of which, would be the same conditions he would have to follow under supervised release if paroled. These conditions can include, but are not limited to: complying with cognitive behavioral programming, anger management and domestic violence programming; abstaining from the use or possession of all mood-altering substances; electronic surveillance/GPS monitoring and abiding by curfews; paying for room and board and other supervision expenses; having no contact with certain individuals; not leaving the state without written permission; submitting to unannounced visits or searches of person and effects, and other restrictions.¹⁷

These restrictions prevent Nunn from living independently, spending quality time with family and friends, and from fully engaging with the communities he can help.¹⁸ For example, within his first few months on work release, the DOC concluded that Nunn violated a condition of his work-release program when he practiced driving without explicit permission from his DOC agent. Even though he was legally driving—with a permit, a licensed driver, and insurance and registration—and did so under the supervision of his case manager, DOC imposed a 30-day pass restriction.¹⁹

The 30-day house restriction meant Nunn could *not* attend any pro-social groups or church services.²⁰ In other words, he was unable to engage with or serve the community he has built

¹⁷ See Ex. 2.

¹⁸ See Nunn Affidavit, ¶¶ 16-17. The State's argument here regarding conditions is specific to Nunn, due to his impressive efforts at rehabilitation.

¹⁹ *Id.*, ¶ 15.

²⁰ *Id.*

around him since transition to work release. While under the 30-day restriction, Nunn was only allowed to leave for medical emergencies and work.²¹ At the time when the restriction was imposed, his father had planned to fly into town to attend a church service with him.²² It would have been the first time Nunn was visited by his father since 2003.²³ Based on his house restriction, Nunn’s father decided to cancel his travel plans.²⁴ These restrictions—for a minor infraction that appears to be more of a miscommunication or technical violation than a serious affront to his conditions—served to hinder Nunn’s reintegration into society. And they serve as an example of how supervised release conditions could hinder, rather than promote, Nunn’s continued rehabilitation and return to the community.

Here is another example: Nunn sought out to work with the Legal Rights Center’s Restorative Justice Program as a youth advocate.²⁵ But due to DOC conditions, he was informed he would have to pull his application.²⁶ Such conditions also limit his ability to mentor at-risk youth whom he believes could benefit from learning from someone like him who has been incarcerated.²⁷ Nor under conditions would Nunn be permitted to travel freely to visit his siblings and son, who live out of state.²⁸ Finally, DOC conditions would limit Nunn’s ability to travel freely with Daneille Jones, to share their experience of restorative justice with others, just as he is done within the DOC.²⁹ These are missed opportunities for Nunn and for the community.

21 *Id.*
22 *Id.*
23 *Id.*
24 *Id.*
25 *Id.*, ¶ 16.
26 *Id.*
27 *Id.*
28 *Id.*, ¶ 17.
29 *Id.*, ¶ 19.

Further, monitoring Nunn on supervised release is not an effective use of correctional resources. In a letter supporting the legislation that would become § 609.133, DOC Commissioner Schnell described how “[f]iscal responsibility is achieved” when the “interests of justice, public safety, and fairness support” a prosecutor-initiated sentence adjustment.³⁰ And research has shown that “maintaining supervision . . . many for extended terms, hinders the system’s ability to focus on individuals who demonstrate the greatest need and pose the highest risk of public safety.”³¹

Nunn does not present a public safety risk or fall within this “greatest need” category. His overall success these past 16 months is not surprising given his outstanding prison record, personal reform, and community support. While 180 Degrees offers comprehensive re-entry programs and services for those in need,³² Nunn has been honing these life skills long before his release from prison. Subjecting him to a host of conditions that are not particular to his needs may not contribute to his rehabilitation—in fact, it may undermine it.

C. Nunn’s extensive community support and re-entry plans provide a structure to support his release.

A solid re-entry plan is crucial for a successful transition back into society. Nunn’s re-entry plan, includes stabling housing, secure employment, and access to healthcare and wellness services. It includes maintaining family relationships and continuing to build social support networks, areas he has worked on throughout his incarceration. The scope of Nunn’s social and

³⁰ Ex. 14.

³¹ The Pew Charitable Trusts, *Policy Reforms Can Strengthen Community Supervision* at 24 (April 2020) Report - https://www.pewtrusts.org/-/media/assets/2020/04/policyreform_communitysupervision_report_final.pdf

³² The organization offers sober facilities and drug testing, housing placement, employment navigation, support groups, family reconnection, money management, wellness education, spiritual engagement. See www.180degrees.org.

support network is evidenced in the 14 support letters in attached Exhibits 15(A)-(M), which speak to his hard work, trustworthiness, and ties to the community.

Even though securing stable housing can pose a challenge for formerly-incarcerated individuals returning to the community, Nunn would have immediate housing with his aunt in Minneapolis if released from supervision.³³ Alternatively, he has the financial resources through his employment and bank savings to obtain independent living.³⁴ Nunn is enrolled in a healthcare program through EMERGE, which provides him with medical, dental, vision, long-term disability, and a retirement plan.³⁵ Moreover, he has numerous educational and job skills (three college degrees, ordained minister, machine operator training and certification, and cable technology certification), enabling him to pivot to other areas of employment, if necessary or desired.³⁶

Finally, in addition to his family, as the letters of support demonstrate, Nunn has a community of people—colleagues, support-group attendees, faith leaders, and friends—who appear invested in his continued success and reintegration into society.

D. Nunn does not pose a threat to public safety.

i. Nunn’s DOC record demonstrates that he will remain law abiding.

Nunn’s DOC record, both while in prison and on supervised work release, indicates that he is highly unlikely to reoffend. In 28 years of incarceration, Nunn has only three minor disciplinary infractions, obtained in the first few months of his incarceration.

In addition to staying free of discipline since 1996, Nunn’s exemplary record is reflected in his MnSTARR 2.0 score. The DOC has been using the Minnesota Screening Tool Assessing

³³ Nunn Affidavit, ¶ 18.

³⁴ Nunn Affidavit, ¶ 11.

³⁵ *Id.*, ¶ 11 - 12.

³⁶ *Id.*, ¶ 7-8, 10, 12.

Recidivism Risk 2.0 (MnSTARR) to assess recidivism risk since 2016. According to the DOC, it is a fully automated, gender-specific risk assessment that was developed and validated using data sourced from the Minnesota DOC.³⁷ The DOC reports that MnSTARR is designed strictly to predict recidivism.³⁸ The possible scores are low, medium, high, or very high risk. As of October 15, 2024, Nunn's risk level was LOW, and his risk of violent recidivism was previously assessed 0.39.³⁹

Nunn's compliance with supervised work release further shows that he is not a threat to public safety. The Minnesota Department of Corrections Justice Reinvestment Initiative Report 2022 warns that supervised release failures most commonly occur in the first six months of supervision.⁴⁰ Nunn has been in the work release program for 16 months with only one minor violation, which did not impact public safety. And as recently as August 6, 2024, the DOC verified that Nunn: reports as directed; passed his driver's test, owns a motor vehicle; is approved for driving privileges; has a savings account; has a large community support system in place; takes

³⁷ See MnSTARR 2.0, FAQ, https://mn.gov/doc/assets/MnSTARR%202.0%20FAQ_tcm1089-389239.pdf.

³⁸ As the DOC has acknowledged, risk-assessment tools are not without flaws and have been criticized as racially biased. Duwe, PhD., Grant and Rocque, PhD., Michael, *The Predictive Performance of the Minnesota Screening Tool Assessing Recidivism Risk (MnSTARR): An External Validation* at 5-6, Minnesota Department of Corrections, https://mn.gov/doc/assets/The%20Predictive%20Performance%20of%20the%20Minnesota%20Screening%20Tool%20Assessing%20Recidivism%20Risk%20%28MnSTARR%29_An%20External%20Validation_tcm1089-411842.pdf.

³⁹ Confidential Ex. C21 at 1; Confidential Ex. C20 at 2; see Minn. Stat. § 13.85, subd. 4.

⁴⁰ Justice Reinvestment Initiative Minnesota, *Justice Reinvestment in Minnesota* at 40 (internal citations omitted) (Feb. 2022), available at https://mn.gov/doc/assets/Justice%20Reinvestment%20Report%20to%20the%20Legislature%20as%20Required%20by%20House%20File%2063_final_tcm1089-523132.pdf.

earned weekend passes to spend time with family and friends; and has been negative for all chemical testing.⁴¹

ii. Statistically, Nunn’s age, the particular crime of homicide, and his remorse make him unlikely reoffend.

Nunn’s low recidivism score is consistent with what most research suggests: that criminal behavior drops dramatically once people reach their thirties then continues to decline.⁴² Nunn is 48 years old.⁴³ Once a person passes the age of 40, their risk of returning to prison plummets, as only 7 percent of people ages 50 to 64 return to prison for new convictions after release. Additionally, “arrest rates among older adults decline to a mere 2 percent by age 50.”⁴⁴ Age is therefore a factor that lowers Nunn’s risk of recidivism. Research also shows that people released from prison for homicide convictions are less likely than other formerly-incarcerated people to be rearrested for a violent crime.⁴⁵

Showing remorse also makes it less likely someone will reoffend. Studies show that accepting responsibility and living with guilt may increase empathy for others and lower one’s risk of recidivism.⁴⁶ While Nunn denied any involvement in Poe’s murder at trial and sentencing,⁴⁷

⁴¹ Nunn Affidavit, ¶ 11 (verified by Confidential Ex. C17 at 1-2); see Minn. Stat. § 13.85, subd. 4.

⁴² See Shulman, E.P., Steinberg, L.D. & Piquero, A.R. J YOUTH ADOLESCENCE, *THE AGE-CRIME CURVE IN ADOLESCENCE AND EARLY ADULTHOOD IS NOT DUE TO AGE DIFFERENCES IN ECONOMIC STATUS* (2013) 42: 848, available at <https://www.ncbi.nlm.nih.gov/pubmed/23595417>.

⁴³ See MN DOC Locator, indicating date of birth.
<https://coms.doc.state.mn.us/publicviewer/OffenderDetails/Index/185254/Search/>.

⁴⁴ *The High Costs of Low Risk: The Crisis of America’s Aging Prison Population*, The Osborne Association (May 2018), available at https://www.osborneny.org/assets/files/Osborne_HighCostsofLowRisk.pdf.

⁴⁵ Prescott, J.J., Pyle, B. and Starr, S.B., *Understanding violent-crime recidivism*, NOTRE DAME LAW REVIEW, Vol. 95(4) (2020) at 1643-98.

⁴⁶ See Tangney, J. P., Stuewig, J., & Martinez, A. G. (2014). *Two Faces of Shame: The Roles of Shame and Guilt in Predicting Recidivism*, *Psychological Science*, 25(3), 799-805.
<https://doi.org/10.1177/0956797613508790>.

⁴⁷ See Ex. 7 at 12.

Nunn reported that he accepted responsibility in 1998—a few years into his incarceration.⁴⁸ Nunn has apologized to Danielle Jones, as well as Poe’s children, for taking Poe away from them.⁴⁹ He started a 23-year friendship with Jones and has exchanged cards and letters with Poe’s children.⁵⁰ These acts—and the incredible acts of forgiveness demonstrated by Jones and Poe’s children—led Nunn to create the Restorative Justice Program curriculum.⁵¹

As recently as 2022, Nunn shared that:

Healing can come from the worst decision I ever made in my life. Healing is possible. Being responsible is critical. ... I know healing is an ongoing process and I’m committed to that. I also know the pain goes deeper and spreads wider than I knew. The same hurt I inflicted in [the victim’s family] I inflicted in mine. I have to help my children heal as well. [Poe’s] life changed my life too. I never want to cause that type of pain in anyone’s life. I’m committed to doing the right thing, and not cause any more harm.⁵²

Nunn’s age, crime of conviction, and demonstration of remorse, combined with Nunn’s remarkable rehabilitative record and re-entry support, show that his continued incarceration and supervision are no longer in the interests of justice, public safety, or fiscal responsibility.

II. ADDITIONAL CONSIDERATIONS UNDER § 609.133, INCLUDING VICTIM INPUT, ACCOUNTABILITY, AND THE SEVERITY OF THE OFFENSE, SUPPORT THE STATE’S REQUEST FOR A SENTENCE ADJUSTMENT.

A. Abduel Poe’s mother has been advocating for Nunn’s release for a decade.

Under § 609.133, subd. 5(b) and 5(c), the State must “notify any person determined to be a victim of the offense for which adjustment is sought of the existence of a petition,” provide notice of the petition and inform any victim of their rights under the statute. Given that Nunn has already

⁴⁸ Nunn Affidavit ¶ 20 (verified by Confidential Ex. C16 at 5); *see* Minn. Stat. § 13.85, subd. 4.

⁴⁹ *Id.*

⁵⁰ *Id.*

⁵¹ Nunn Affidavit, ¶ 9 (verified by Confidential Ex. C16 at 5); *see* Minn. Stat. § 13.85, subd. 4.

⁵² *See* Confidential Ex. C16 at 8; *see* Minn. Stat. § 13.85, subd. 4.

completed his 180-month sentence for attempted murder and the adjustment sought here is on Nunn's life sentence, the State is statutorily obligated to contact Danielle Jones, the mother of the decedent, as well as other family members of which the State is aware.⁵³

As noted in the State's Petition, Jones has been advocating for Nunn's release since 2014.⁵⁴

In a two-page, single-spaced letter, Jones wrote in 2014:

I am pleading with you for Jerome's sentence to be changed to time served and for him to be granted an immediate release and come out of prison as soon as possible. He has been an upstanding prisoner for 25 years and has been an outstanding son to me. I am very proud of him and his accomplishments in prison. I know prison saved his life and made him a better man . . . Because of the counseling and advice Jerome has given to young men in prison, I know my son has not died in vain.⁵⁵

Jones reaffirmed her request that he be released in 2021,⁵⁶ and in a letter to this Court, incorporates those prior letters and writes that she seeks to "express [her] wholehearted support . . . that Jerome Nunn's sentence be adjusted to time served and for his complete release from custody without any conditions."⁵⁷

⁵³ The State is still seeking to make contact with Poe's two children and will continue in its efforts to reach them. Sigafos Affidavit, ¶ 8. The State will update the Court at the hearing on the Petition of its progress and any input Poe's children may have. Further, in an abundance of caution, even though § 609.133 does not require the State to contact John Holmes, the victim of the attempted murder, the State sought to contact Holmes to obtain his input on the PISA petition. In July of 2024, the State sent letters to the last known addresses for Holmes, and to date, has not received a response. *Id.*, ¶¶ 5, 7. The State was also unable to locate an active phone number for Holmes. *Id.*, ¶ 6. Under the prior HCAO administration, in 2021, the State contacted Holmes to obtain his input on the State's position to support Nunn's 2022 commutation request. The commutation request was specific to the 180-month attempted-murder sentence. In its letter of support to the Minnesota Board of Pardons, the State reported that Holmes has "no sympathy" for Nunn and that he was not supportive of Nunn's early release.⁵³ Ex.13(A) at 2. At the Clemency hearing for Nunn in 2022, the State informed the Board that Holmes expressed loss for his friend Abdul Poe and asked that he not be contacted further. Ex. 13(B)-(C), 23:57-24:31.

⁵⁴ *See* Ex. 12(B).

⁵⁵ *Id.*

⁵⁶ *Id.*

⁵⁷ Ex. 12(A).

B. A sentence adjustment in this case would continue to reflect the severity of Nunn’s crime.⁵⁸

Finally, a sentence adjustment to time served still continues to reflect the severity of Nunn’s offense. After serving 28 years, Nunn is just two years short of the 30-year minimum Minnesota law contemplates people would serve for first-degree murder. Minn. Stat. § 244.05, subd. 4(b). But perhaps even more importantly, the victim’s mother, Danielle Jones, believes Nunn has served enough time for the murder of her son. It is evident from her remarks over the years that she believes Nunn would best serve the memory of her son by being out in the community, continuing his good work.

CONCLUSION

Before its passage in 2023, the Governor, the Hennepin County Attorney’s Office, and this Court, recognized the need for a tool like Prosecutor-Initiated Sentence Adjustment—and they all did so after hearing about Jerome Nunn’s remarkable journey of transformation. From a 19 year old with a limited education who would not accept responsibility, to a 48-year-old man who has successfully developed restorative-justice programming and devoted his life to mentoring and serving others, Nunn has demonstrated that his life sentence no longer serves the interests of justice or public safety. By highlighting Nunn’s many accomplishments, the State has shown in its Petition and this Memorandum that there are substantial and compelling reasons to release Nunn from incarceration and subsequent supervision. Accordingly, the State respectfully asks this Court to grant its Petition and adjust Nunn’s life sentence to time served.

Dated: October 16, 2024

Respectfully submitted,

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⁵⁸ See Minn. Stat. § 609.133, subd. 7(a).

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⁵⁹ Affidavit of the University of St. Thomas School of Law Resentencing Project.