

The Hennepin County Attorney's Office Presents:
A Season for Second Chances

A Community Conversation on Resentencing and Expungement

RSVP VIA
EVENTBRITE HERE



HOSTED BY
ALL SQUARE



Thursday, January 18th, 6:00pm-7:30pm

All Square, 4047 Minnehaha Ave, Minneapolis, MN 55406

For More Information Contact Cole Beaton Via Email: Nicolas.beaton@hennepin.us



Event Overview

- I. Welcome By All Square Founder & CEO Emily Hunt Turner
- II. Poetry Reading By Essence Blakemore
- III. Introduction By Hennepin County Attorney Mary Moriarty
- IV. Presentation on Second Look Authority By Professional Standards Division Director Clare Diegel & Collateral Review Attorney Jill Barreto
- V. Presentation on Expungement By Assistant Hennepin County Attorney Nadia Elnagdy



Welcome

By All Square Founder & CEO
Emily Hunt Turner



Poetry Reading

By Essence Blakemore



Introduction

By Hennepin County
Attorney Mary Moriarty



Second Look Review

Clare Diegel
Director of Professional Standards

Jill Barreto
Collateral Review Attorney

Second Look Tools

- Clemency
- Aid and Abet Felony Murder
- Prosecutor Initiated Sentencing Adjustment

Clemency

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 that was imposed in the original sentence.

Minnesota Board of Pardons: <https://mn.gov/doc/about/pardon-board/>



Pardon Board



Governor



Chief Justice



Attorney General

Aiding & Abetting Felony Murder, § 609.05 & § 609.185

Then

- No intent requirement regarding a death for aider/abettor of felony murder under § 609.05 & § 609.185

Now

- Cannot be held liable for aiding/abetting felony murder unless the person:
 - acted with the **intent to kill** the victim OR
 - acted as a **major participant** in the underlying felony & acted with extreme indifference

Resentencing

- 2 steps: Application and Petition

PROSECUTOR INITIATED SENTENCE ADJUSTMENT (PISA)

Minn. Stat. Sec. 609.133 allows a prosecutor to seek a "prosecutor-initiated sentence adjustment."



Prosecutor may file a petition if they believe it is more likely than not that there are "*substantial and compelling reasons to adjust the individual's sentence*". This is ultimately a judicial decision

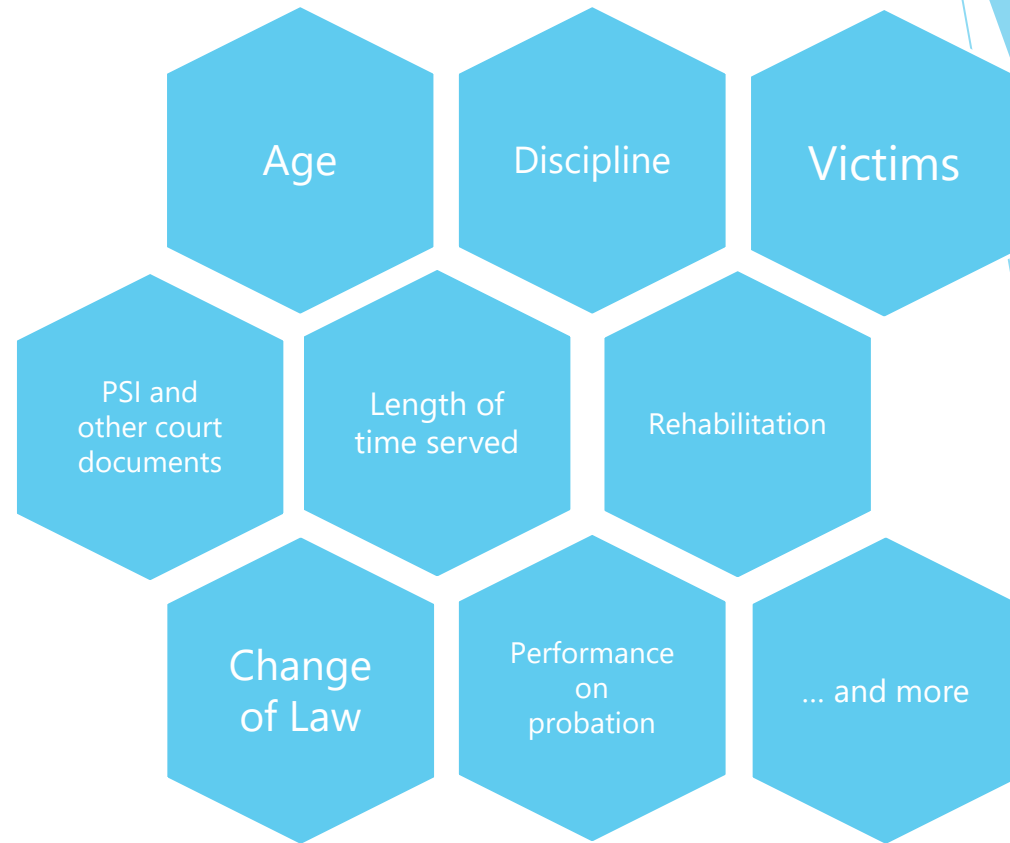


Factors the court may consider when making a determination include, but are not limited to, **rehabilitation** and **reentry**



PISA is a fix for the problem that there are people serving excessive sentences who no longer pose a public-safety threat and can be returned safely to the community. It is about hope and giving reason to engage in services and rehabilitation

Some factors the Court may consider



What might have been an appropriate sentence at the time, might not be the appropriate sentence now.

The Components of PISA:

Review

Rehabilitation

Re-Entry

Request
Victim Input



PISA applications will be available
first week of February.



Please send only the application.



Apply yourself- we are not
accepting applications from
friends or family.

Key Takeaways

The law is very broad

PISA applications open the first week of February

Holistic review of applications

Four Components of PISA: Review, Rehabilitation, Re-Entry, and Request Victim Input

HCAO and UST Law will be providing updates when decisions are made

Having a defense attorney won't make the process faster



Questions?





Adult Criminal Expungements

Nadia Elnagdy, Assistant
County Attorney, HCAO

Expungement Basics

- Expungement is the sealing of criminal records NOT DESTRUCTION
- Chapter § 609A
- Records can be reopened for specific purposes enumerated in later sections or by court order

Why seek expungement?

Community standing/Societal Exclusion

- Housing: dearth of affordable housing means landlords can be picky
- Employment: even just an arrest record can disqualify you for employment

Licensing

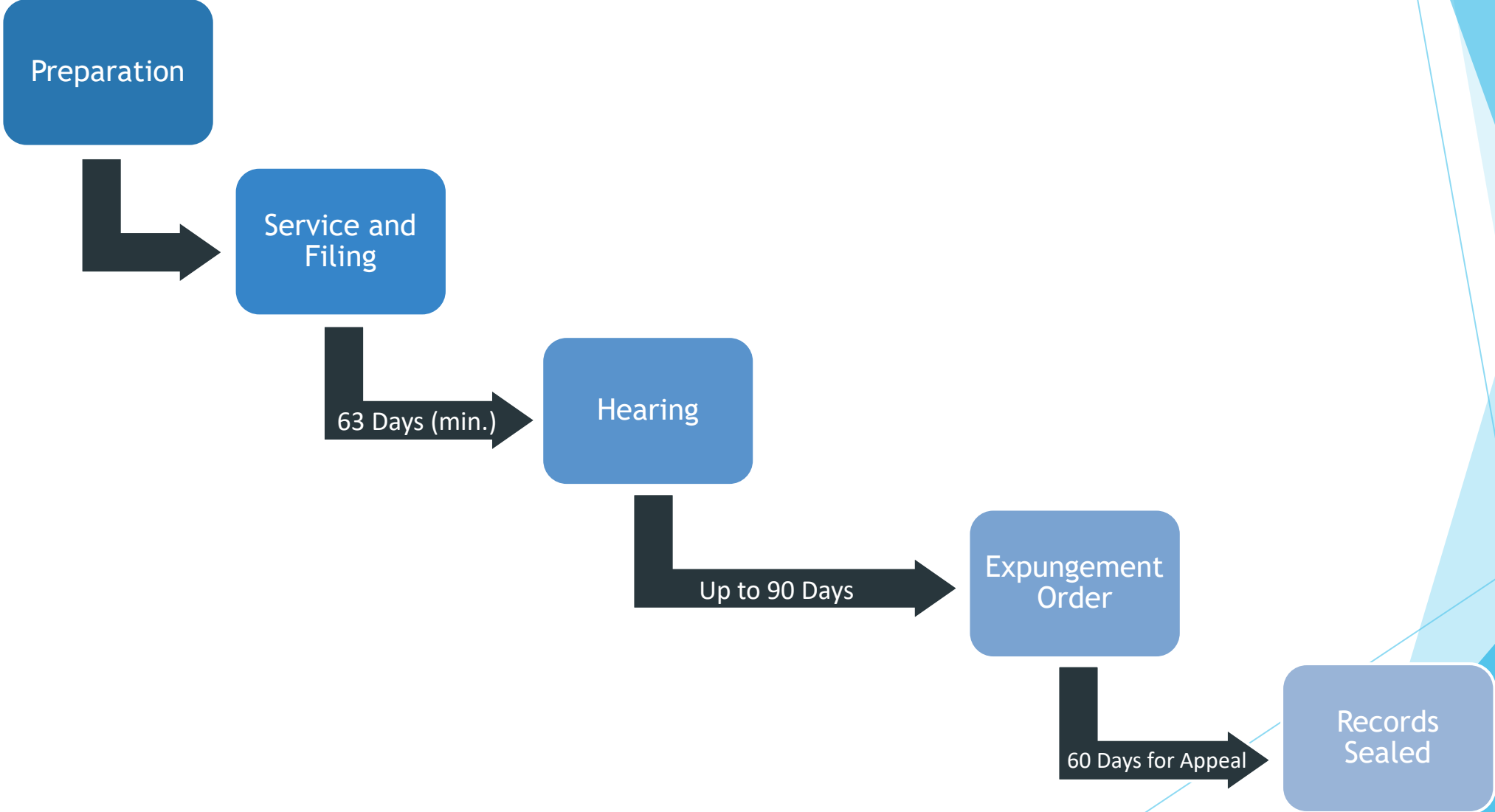
- DHS will disqualify any applicant with an arrest record from working in settings that serve children or vulnerable adults

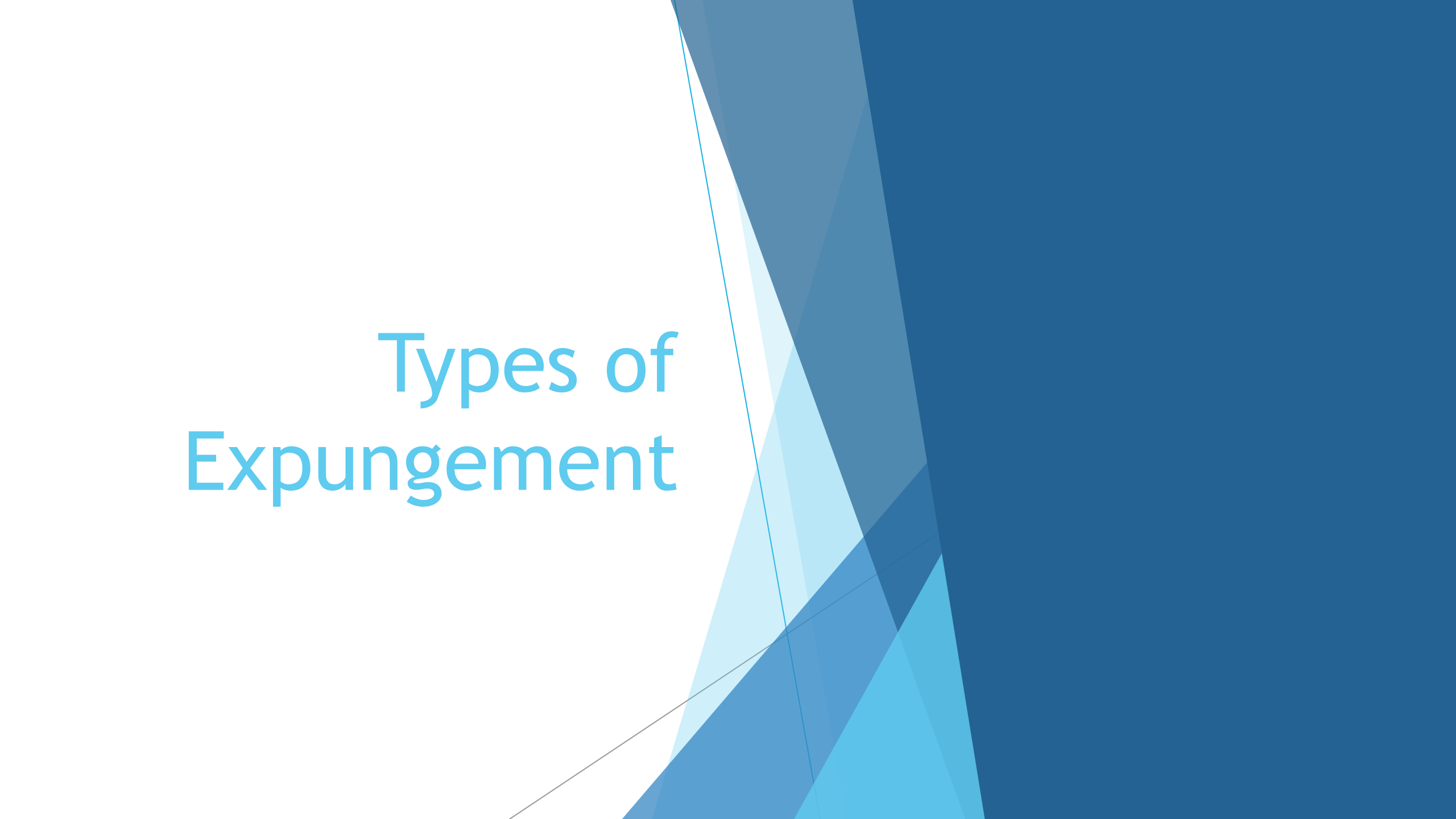
Volunteer opportunities

- Coaching/School Aids

Bucket list

General Expungement Process





Types of Expungement

Statutory Expungement

Felonies enumerated in Minn. Stat. §609A.02

- Two mechanisms
 - Traditional petition
 - Prosecutor-led Expungement (PLE)
- Judicial AND executive branch records

~~Bureau of Criminal Apprehension (BCA)~~
~~Minnesota Court Information System (MNCIS)~~
~~Police Department~~
~~City Attorney~~
~~Sheriff's Department~~
~~County Attorney~~
~~State Attorney General~~
~~Department of Corrections~~
~~Department of Human Services~~
~~Private data-miners~~
Private theft databases
Websites

Inherent Authority Expungement

- Authority comes from the inherent ability of the courts to control their own records
- Judicial branch records only
- Offenses that are excluded from the statute or if the waiting period hasn't been met

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~~Minnesota Court Information System (MNCIS)~~

Police Department

City Attorney

Sheriff's Department

County Attorney

State Attorney General

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Automatic Expungement

Clean Slate Act §609A.015

effective 1/1/2025

Dismissal/Exoneration

Upon dismissal after charges filed

Dismissal and discharge after successful completion of §152.18 for certain drug crimes

“Resolved in Favor Of” cases

Non-Felony Diversion/Stay of Adjudication

One year without charges after discharge OR immediately preceding BCA review

Convictions

Qualifying offense

No new convictions during waiting period

Not pending charges at the time of petition or B

Waiting/Look-Back Period

“Since discharge of the sentence for the crime”

Case law interprets this to mean the years leading up to the filing of the petition

NOT

the years immediately following discharge from the offense you’re trying to have sealed.

Timing Requirements

“Resolved in favor of” cases

Immediately upon dismissal or acquittal

§152.18

Immediately upon discharge and dismissal

Diversion/Non- statutory Stay of adjudication

1 year from discharge if no **CHARGES**

Petty Misdemeanor/Misdemeanor

2 years from discharge if no **CONVICTIONS**

Gross misdemeanor

3 years from discharge if no **CONVICTIONS**

Drug 5

4 years from discharge if no **CONVICTIONS**

Felony

5/4 years from discharge for designated offenses if no **CONVICTIONS**

Prosecutor-Led Expungement (PLE)

Minn. Stat. § 609A.025

Only available for statutorily eligible offenses/dispositions

Greatly expedites the process:

- No petition
- No notice
- No hearing
- 60d appeal period remains

Help Seal My Record (HSMR)

www.helpsealmyrecord.org

What?

An online expungement application program

Why?

To ensure residents of Hennepin County with eligible convictions have equal access to the systems available to seal their criminal records.

How?

Interested persons submit their information online.

After review, paperwork is drafted and filed for any eligible offense.

Those who are not eligible receive an email detailing exactly why and directing them to additional resources should they choose to pursue expungement on their own.

The Office of
MINNESOTA ATTORNEY GENERAL
KEITH ELLISON

[How Can We Help?](#)[Topics](#)[Charities](#)[About Our Office](#)[News and Important Information](#)

HelpSealMyRecord.org: Sealing Criminal Records to Enhance Justice

Apply to Seal Your Records

Please select the county where your arrest or criminal case took place.

According to the FBI, nearly one in three adults in America has a criminal record. Long after people have atoned for the harm they caused and fulfilled their obligations to the justice system, criminal records and the collateral consequences that follow serve as barriers to jobs, housing, education and more, preventing people from serving as productive members of our community. Studies have shown very few people who are eligible to seal their records successfully apply, but among those whose records are sealed, very few commit new crimes and, on average, they experience a significant increase in wages and employment within the next two years.

Is your criminal record a barrier in your life?

We may be able to help you get it sealed.

If you have a criminal record for an offense that was prosecuted in a state court, we may be able to help you determine if you qualify for expungement. If you qualify, we may be able to help you get your record

Apply to Have Your Criminal Record Sealed

First name* Middle name Last name*

Date of birth*

MONTH DAY YEAR

Please list any other legal names/aliases you have used: (Last, first, middle name)

Address*

City*

State*

Zip Code*

Have you lived outside of MN for any period of time in the last five years?*

 No Yes

Phone number*

Email (this is the preferred method of communication)*

Have you been charged with a crime by the Hennepin County Attorney's Office?*

Did you receive a juvenile adjudication by the Hennepin County Attorney's Office?*

I was charged with the following offenses: (Check all that apply to you.)*

- Fifth Degree Drug Possession or Sale
- Theft
- Receiving Stolen Goods
- Damage to Property
- Forgery Crimes
- Possession or Sale of Stolen or Counterfeit Check

Fun Facts that Didn't Belong on any other Slide

Only felony *convictions* are limited by
offense type

Gun rights restoration

Registerable offenses



HENNEPIN COUNTY ATTORNEY'S

EXPUNGEMENT CLINIC

LOCATION, DATE, & TIME:
TO BE DETERMINED [LATE FEBRUARY]

WHAT TO BRING?

SUGGESTED, BUT
NOT REQUIRED:

- IDENTIFICATION
- CASE INFORMATION

WHO QUALIFIES?

MUST BE ALL THREE:

- HENNEPIN COUNTY CASE;
- ADULT CASE; AND
- FELONY CASE

SIGN UP FOR OUR NEWSLETTER AT THE
DESK FOR COMING EVENT DETAILS



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