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Minnesota Attorney General Keith Ellison
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March 13, 2024

The Honorable Representative Kelly Moller
Chair, House Public Safety Finance and
Policy Committee
Minnesota State Office Building
St. Paul, MN 55155

The Honorable Representative Paul Novotny
Ranking Minority Member, Public Safety
Finance and Policy Committee
Minnesota State Office Building
St. Paul, MN 55155

Re: Houe File 2400

Chair Moller, Representative Novotny, and Members of the House Public Safety Finance and Policy Committee:

I write to encourage your support of House File 2400 concerning the statute of limitations for postconviction claims based on newly discovered evidence.

As Attorney General, I appreciate the importance of finality when it comes to criminal convictions. There are reasons why our system makes it difficult to reverse a conviction once a trial has been held and a jury has reached its verdict. But finality is not the only value in our system. We also need to have procedures that allow for cases to be reexamined when evidence comes to light suggesting that the conviction lacks integrity. Minnesota's postconviction law does not, in its current state, strike the right balance when it comes to cases where such evidence comes to light more than two years after a conviction becomes final. By requiring clear and convincing proof of innocence merely to get through the statute of limitations, the current law imposes a hurdle that very few cases can clear, even cases where there is compelling evidence to support a claim for relief. Minnesota's standard is an outlier among states, standing as one of the most restrictive in the country on this point. The proposed change in this bill would bring Minnesota law on this point into the mainstream and would strike a better balance between finality and the ability to correct for errors when the system gets it wrong.

I have a particular interest in this issue because it affects the Conviction Review Unit ("CRU") that I founded in the Attorney General's Office in partnership with the Great North Innocence Project in 2021. The CRU is designed to review and investigate claims of wrongful convictions in Minnesota, particularly in cases where procedural obstacles may prevent judicial review. The problem is that, because Minnesota's current postconviction regime is so restrictive when it comes to cases more than two years old, the CRU is forced to bear more of the weight on such cases than it would within a properly balanced postconviction system. The CRU is committed to seeking justice for individuals who were wrongfully convicted, but it has limited resources, and it could do its job more effectively if individuals with facially valid claims for postconviction relief had an opportunity to pursue those claims in court first.



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For these reasons, I encourage you to support House File 2400, and I commend you for the work you are doing to improve our justice system for all Minnesotans.

Sincerely,

A handwritten signature in blue ink that reads "Keith Ellison". The signature is fluid and cursive, with the first name "Keith" and last name "Ellison" clearly legible.

KEITH ELLISON
Attorney General