



Minnesota

Post-Conviction Case Activity & Victims' Rights

Post-Sentencing Review

After an individual has been convicted and sentenced, they may file motions in the trial court to challenge the judgment against them. For example, they may file a motion:

- For an acquittal
- For a new trial based on jury misconduct, new evidence, legal errors at trial, or other problems with the proceedings
- To vacate the judgment
- To correct the sentence
- To withdraw their plea

The prosecution may file a motion to adjust a sentence in certain situations.

Victims' Rights

Victims have the right to be treated with fairness, respect, and dignity. This right extends throughout all stages of the post-conviction process.

Victims have the right to notification of post-conviction rights.

This product was supported by grant number 15POVC-23-GK-01412-NONF, awarded by the Office for Victims of Crime, Office of Justice Programs, U.S. Department of Justice. The opinions, findings, and conclusions or recommendations expressed in this product are those of the contributors and do not necessarily represent the official position or policies of the U.S. Department of Justice.

Direct Appeal

After the court decides on any post-trial motions (or if no post-trial motions are filed), the individual convicted of a crime may ask a higher court to review the trial court's or jury's decisions. This is called a "direct appeal." On appeal, the court does not admit new evidence or call witnesses. Instead, it reviews what happened at trial (called the trial record) and written briefs filed by both sides describing their positions.

If an individual convicted of a crime requests an appeal, they may ask the court to release them while the appeal is ongoing. The convicted individual is more likely to be released in misdemeanor cases than in felony cases.

The convicted person generally has between 30 and 90 days after sentencing to decide whether to appeal, depending on the nature of the offense and the claim raised on appeal. If the convicted person appeals, the Attorney General's Office or county attorney's office assigns a lawyer to oppose the appeal for the state. The prosecutor and the convicted person's lawyer then prepare written briefs for the judges, which generally takes several months. In some cases, the lawyers from both sides present oral arguments to the judges. Then, the judges prepare a written decision in the case. The appeal process takes roughly a year or more.

Victims' Rights

Victims have the right to notice of appeal and the outcome of an appeal.

Victims have the right to a brief explanation of the issues in the appeal, an explanation of the appeal process, information about scheduled oral arguments or hearings, and notification that victims may attend the argument or hearing.

This notification is automatic and victims do not have to make a special request for it.

State Post-Conviction Proceedings

Post-conviction motions are requests to have the conviction or sentence reviewed that are filed after the direct appeal process has ended. These motions can seek many outcomes, but the following are the most common in Minnesota:

- Uniform Postconviction Remedies Act: A convicted person may seek to invalidate their conviction based on new forensic evidence of innocence, or they may challenge their conviction or sentence based on violation of their state or federal rights.
- State habeas corpus: A convicted person may challenge their sentence or conviction through a process called “habeas corpus.” In Minnesota, state habeas corpus relief is very limited because claims are supposed to proceed under the Act.

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DNA Testing

Anyone convicted of a crime may file a motion seeking forensic testing of evidence collected in the case.

The court will not automatically grant the requested testing. Instead, the court must allow testing only if the identity of the perpetrator was an issue at trial and testing has the scientific potential to produce new evidence materially relevant to the defendant’s claim of innocence.

If the court grants testing and the evidence supports the convicted person’s claim, then the person may seek relief under the Postconviction Remedies Act. In that motion, the person may seek to vacate their conviction, obtain a new trial, or other relief. If the court grants a new trial, the case starts over.

Federal Habeas Corpus

After seeking post-conviction relief in state court, a person convicted under Minnesota law may seek habeas corpus relief in federal court. Relief is available only in specific and rare circumstances. Issues often raised in federal habeas cases include claims that the convicted person had an inept attorney, claims that police or prosecutors violated their rights, hid evidence, or committed other misconduct.

In general, a person can file only one request for relief in federal habeas proceedings, though there are some exceptions to this rule.

Victims' Rights

Except for narrow exceptions when victims are testifying, victims have the right to attend federal habeas hearings, arguments, and proceedings.

Victims have the right to be heard at any federal district court proceeding involving the release, sentencing, or parole of the individual convicted of a crime.

Victims have the right to proceedings free from unreasonable delay.

Early Release Programs

If someone is sentenced to a term of imprisonment, they may be released from prison earlier than expected through:

- The [Minnesota Rehabilitation and Reinvestment Act](#), which allows people to be released after serving only 50% of their sentences if they meet certain goals.
- Supervised release, which allows people convicted of felonies to be released after serving $\frac{2}{3}$ of their sentences if they participate in rehabilitative programs and do not violate prison rules.
- Conditional supervised release, which allows people convicted of certain nonviolent drug offenses to be released after serving $\frac{1}{2}$ of their sentences if they have participated in drug treatment.
- The [challenge incarceration program](#), which allows people within 4 years of release to earn early supervised release by participating in rigorous rehabilitative programs.
- [Conditional medical release](#), which allows people with either a grave medical condition that would be better served by "specialized" community services or a condition that is expected to be terminal within 12 months, to be put on supervised release.

Victims' Rights

Victims have the right to notification of modification of the incarcerated individual's sentence if requested.

Victims have the right to notification of a change in the confinement status of an incarcerated individual, if requested.

Victims have the right to notice of release from custody, escape, and early release such as parole, if requested.

Victims have the right to notification that the convicted individual's case is being expunged if requested.

Victims have the right to notification of sentence modification and adjustment hearings.

Victims have the right to be heard during sentence modification and adjustment hearings.

Prosecutorial Review

The state-wide Minnesota Attorney General's [Office](#) has established a special unit to reconsider past prosecutions when there is a strong indication that the person imprisoned could be innocent of the crime for which they were convicted.

Some local prosecutors' offices in Minnesota have recently set up similar units or are considering doing so. For example, Hennepin County [created](#) a new Conviction Integrity Unit on July 1, 2024, and both [Hennepin County](#) and [Ramsey County](#) have now established units to review convicted individuals' sentences.

Clemency

The Board of Pardons can grant clemency to people convicted under Minnesota law. The Board is assisted by the [Clemency Review Commission](#). Clemency typically takes one of two forms:

- [Commutation](#): the reduction of a sentence to a less severe punishment
- [Pardon](#): an official act of forgiveness that frees a convicted person from punishment that erases the legal consequences of the crime

Compensation

Restitution is a court-ordered payment from the convicted person to the victim to account for the victim's loss or injury.

Crime victims' compensation helps with financial losses that directly result from violent crime. These losses include loss of wages, medical expenses, mental health counseling, and funeral & burial costs.

Victims' Rights

Victims have the right to submit an oral or written statement before the court issues a petition for compensation based on exoneration.

Victims' Rights

Victims have a right to notification of clemency applications and clemency hearings.

Victims have the right to attend clemency hearings and submit a written or oral statement.

Victims' Rights

Victims have the right to seek restitution and victims have the right to apply for compensation from the [Crime Victims Reimbursement Board](#).

The information provided in this resource is not intended as legal advice and is current as of July 2024. States regularly change how they handle criminal proceedings and victims' rights during those proceedings. Confirm with the state agencies provided in this resource for more up-to-date information. Different stages and victims' rights may apply to certain types of cases and certain types of victims, such as cases involving accused individuals who are minors and cases involving sexual offenses, domestic violence, and child victims.