



**OFFICE OF THE MINNESOTA
APPELLATE PUBLIC DEFENDER**

Cathryn Middlebrook
Chief Appellate Public Defender

540 Fairview Avenue North
Suite 300
St. Paul, MN 55104
651-219-4444 FAX: 651-643-2150

Benjamin J. Butler
Sharon E. Jacks
Sara L. Martin
Chang Y. Lau
Managing Attorneys

March 31, 2025

Re: Board of Public Defense support for HF 2521 & SF 2826

To: Co-Chairs Liebling and Scott & Judiciary Finance and Civil Law Committee Members


The Minnesota Board of Public Defense supports HF 2521 with the clarifying amendments to the post-conviction statute, Minn. Stat. §590.01. The Board of Public Defense coordinates and oversees the statewide public defender system in Minnesota to ensure that all indigent clients are treated fairly by the criminal justice system and are provided effective legal defense services. The vast majority of criminal cases in Minnesota, both in district court and on appeal, are handled by public defenders. In addition, the Board's Appellate Public Defender's Office provides representation in post-conviction matters for indigent defendants.

The current provisions of Minn. Stat. § 590.01 allow a person convicted of a crime to seek relief from the conviction or sentence where the conviction violated the person's constitutional or legal rights, subject to statutory conditions and time periods. The statute currently does not allow a person who received a stay of adjudication to seek post-conviction relief even if they have a constitutional or legal claim and are entitled to relief from a guilty plea or finding of guilt. HF 2521 clarifies that a person who receives a stay of adjudication can petition for post-conviction relief under the same requirements as a person who is convicted of a crime.

The appellate office has seen cases, including *State v. Johnston*, 955 N.W.2d 908 (Minn. 2021), where a person entered a constitutionally invalid guilty plea but then had no way to challenge the plea because they received a stay of adjudication. Another common example is where a person challenges an unlawful search or seizure, then upon losing the challenge, enters into a stipulated fact trial to preserve the pre-trial issue, but because they receive a stay of adjudication, they cannot challenge the constitutional violation by post-conviction. Although we expect that our appellate office will experience more cases seeking post-conviction relief, the Board of Public Defense supports this bill to ensure fairness and to protect the due process rights of all persons whether they were convicted or received a stay of adjudication.

Sincerely,

William Ward
State Public Defender


Cathryn Middlebrook
Chief Appellate Public Defender