

FILED

September 16, 2021

**OFFICE OF
APPELLATE COURTS**

STATE OF MINNESOTA

IN SUPREME COURT

A21-0830

Amreya Rahmeto Shefa,

Respondent/Cross-Appellant,

vs.

Attorney General Keith Ellison,
in his official capacity,

Appellant/Cross-Respondent,

Governor Tim Walz,
in his official capacity,

Respondent/Cross-Appellant,

and

Chief Justice Lorie Gildea,
in her official capacity,

Appellant/Cross-Respondent.

ORDER

Respondent/cross-appellant Amreya Rahmeto Shefa filed an action for declaratory and injunctive relief against the members of the board of pardons: appellant/cross-respondent Attorney General Keith Ellison, respondent/cross-appellant Governor Tim Walz, and appellant/cross-respondent Chief Justice Lorie Gildea. The parties filed cross-motions for summary judgment. The district court concluded that the statutes governing the operation of the board of pardons, Minn. Stat. ch. 638 (2020), do not violate Article III, Section 1, of

the Minnesota Constitution. The district court, however, concluded that the second sentence of Minn. Stat. § 638.01 and all of Minn. Stat. § 638.02, subd. 1, violate Article V, Section 7, of the Minnesota Constitution. Finally, the district court concluded that it could not grant the relief requested by Shefa and Governor Walz. Because we conclude that the statutory provisions do not violate Article III, Section 1, or Article V, Section 7, of the Minnesota Constitution, we need not consider the remedy issue.

Based upon all the files, records, and proceedings herein,

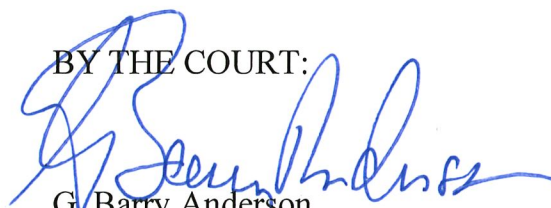
IT IS HEREBY ORDERED THAT:

1. The decision of the district court is reversed in part and affirmed in part. Although the district court erred when it declared that the second sentence of Minn. Stat. § 638.01 and all of Minn. Stat. § 638.02, subd. 1, violated Article V, Section 7, of the Minnesota Constitution, the district court correctly concluded that the statutes governing the operation of the board of pardons do not violate Article III, Section 1, of the Minnesota Constitution.

2. So as not to impair the orderly function of the board of pardons, this order is issued with opinion to follow.

Dated: September 16, 2021

BY THE COURT:



G. Barry Anderson
Associate Justice

GILDEA, C.J., took no part in the consideration or decision of this case.