



Central Office
Contributing to a Safer Minnesota

April 19, 2011

Jill Clark, P.A. Attorney at Law
2005 Aquila Ave. No.
Golden Valley, Minnesota 55427

RE; Peter Richard Stephenson #215933

Ms Clark;

I've receive your Appeal of the revocation hearing on the above offender conducted by Hearing Officer Roger Baburam at the Hennepin County Adult Detention Center on March 24, 2011. I find you Appeal to be very difficult to ascertain what exactly you are appealing. Your Appeal is exceedingly lengthy being seventeen pages with numerous attachments, and, in my opinion, quite disorganized. Several of your points do not even pertain to the Department of Corrections; such as, ex parte communication of a District Court Judge; improper role of local government; i.e. PO and Community Corrections collaborating with a neighborhood group; improper search of subject's residence, etc. The following two issues are what I believe to be the substance of your Appeal;

- A. Evidence not reviewed at Hearing;
 - Hearing Officer did not review all pieces of evidence prior to finding violation
 - Offender was unable to compel witnesses to testify

- B. No Rulings made on legal issues presented by Defense Council either prior to or during the Hearing
 - No rulings on subpoena power and some others
 - No Continuance granted
 - No rulings on the constitutionality of the Agent's two directives

From the review of the Hearing Summary Notes [document included], I believe the Hearing Officer addressed all of your points in a concise and clear manner. Subsequent to the Hearing and following receipt of your Appeal, I discussed the Hearing at length with the Hearing Officer. As recorded in the notes and as relayed to me, the Hearing Officer informs, he reviewed all your exhibits as they were submitted by you, some of which he considered irrelevant to the Hearing, and the subpoena issue was addressed prior to the Hearing by no fewer than two other parties; myself and Brent Wartner, Director of DOC Policy and Legal Services. Thus, there was no further need to address this issue at the Hearing. Additionally, the Hearing Officer fully addressed the legitimacy of the Agent Directives at the Hearing as is recorded in the Hearing Summary Notes.



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1450 Energy Park Drive, Suite 200 ■ St. Paul, MN 55108 ■ PH 651.361.7200 ■ TTY 800.627.3529

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The Hearing Officer reports that although he made it very clear at the start of the Hearing that he was committed to a resolution and completion of the Hearing on the same day, you never made a formal request for a Hearing Continuance. Instead, you requested a stay of the 90 day revoke and return to prison so that you could facilitate the filing of a motion vacating the "Frivolous Litigation" court order in regard to the offender; perhaps that is what you are referring to in your Appeal? Ultimately this request was denied by the Hearing Officer at the Hearing.

Again, I refer to the Hearing Summary Note document, which is included with this reply to your Appeal, as containing all argument in rebuttal of your Appeal, which in all circumstances is denied.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jeffrey L. Peterson". The signature is written in black ink and is positioned above the typed name.

Jeffrey L. Peterson
Executive Officer Hearings and Release

Cc; Roger Baburam, Hearing Officer
Douglas Flantz, Case Manager MCF-Lino Lakes
Hana O'Neill, Corrections Agent Hennepin County
Base File