



AMERICAN CIVIL LIBERTIES UNION  
FOUNDATION

## Minnesota

April 18, 2018

**SENT VIA E-Mail & U.S. Mail**

John J. Choi  
Ramsey County Attorney  
Lowry Building, Suite 120  
345 Wabasha Street North  
Saint Paul, MN 55102-1432

**Re: State of Minnesota v. Natalie Jonelle Pollard**

AMERICAN CIVIL LIBERTIES  
UNION  
OF MINNESOTA FOUNDATION

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Saint Paul, MN 55114  
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Dear County Attorney Choi:

We write to you today out of deep concern about your office's prosecution of Natalie Pollard. We respectfully urge you to drop the charges and close the case, or enter into a deferred prosecution agreement, in her case. Such action would be consistent with the will of the community and the stated values of your office to seek justice. Any further prosecution, including subjecting Ms. Pollard to a retrial or moving forward with the sentencing hearing that is set for May 7<sup>th</sup>, would be inappropriate given our understanding of the facts of this case, which are largely undisputed and compel dismissal.

As we understand it, Ms. Pollard's boyfriend, Obinna Nwankpa, had a record of domestic abuse when he initially attempted to break into her home. With her four young children upstairs, Ms. Pollard (pregnant at the time) reluctantly let Mr. Nwankpa inside to purportedly retrieve his things from the basement. Once inside the home, a fight commenced and, according to Ms. Pollard, he attempted to beat her. Ms. Pollard alleges that she then used a knife to stab Mr. Nwankpa once in self-defense in order to prevent him from inflicting bodily harm. Although Ms. Pollard promptly called the police and reported Mr. Nwankpa's injury, they could not save him when they arrived. Ms. Pollard, then a 32-year-old African American woman with no criminal record, was arrested and charged by your office with second-degree felony murder for defending herself and her children against an abuser.

During Ms. Pollard's trial, the district court made a reversible error by providing the all-white jury (9 of whom were men) with an improper justifiable-taking-of-life instruction. Having received wrong instructions that required the jury to apply a greater fear-of-harm requirement, Ms. Pollard was found guilty. The Minnesota Court of Appeals reversed the conviction and remanded the case for a new trial. In so doing, the Court held that a new jury should be instructed that Ms. Pollard's "acts were justified if she used a reasonable level of force that she reasonably believed was necessary in resisting an offense against the person" and that Ms. Pollard "only had to have an actual and honest belief that she was in imminent danger of bodily harm, rather than death or great bodily harm." *See* Appellate Opinion at 10-11.

Ms. Pollard's actions plainly appear to fit within the self-defense standard set forth by the Minnesota Court of Appeals. Despite this, it is our understanding that after the Court's decision, your office expressed an intention to re-try this case and, under this threat, Ms. Pollard signed a plea agreement that includes a felony conviction.

Your office's actions are inconsistent with your campaign to end gender-based violence as it seeks to punish a victim of domestic violence for doing nothing more than protecting herself and her children from a known abuser. You have also championed criminal justice reform to end the prison pipeline, especially in communities of color. But the plea deal for Ms. Pollard runs afoul of your efforts. As you know, a felony results in the deprivation of a wide array of rights, may negatively impact employment, housing, banking, law enforcement interactions, and other areas essential to social integration, and it will likely have a lifelong negative impact that can extend to generations.

In short, the punishment that your office seeks to impose on Ms. Pollard is disproportionate to her conduct. Ms. Pollard has already served more than two years in prison during which she gave birth to Mr. Nwankpa's child and was separated from her four other children. A recent petition that all charges be dropped against Ms. Pollard was signed by more than 35,000. It stated: "the criminalization of women who are victims of domestic violence needs to end!" The ACLU agrees, and we think that your office changing course in the prosecution of Ms. Pollard's case as outlined above is a step in the right direction.

Thank you for your consideration of this matter. Please inform us of the next steps your office intends to take in Ms. Pollard's case in light of the community feedback that you have received.

Sincerely,



John B. Gordon  
Executive Director