

State of Minnesota

District Court

County of: _____

Court File Number: _____

Judicial District: _____

Case Type: Criminal

State of Minnesota

Plaintiff

VS

Defendant

Date of Birth: _____

Order Concerning Sealing/Expunging of Records (EXP105)

Minn. Stat. § 609A.02, subd. 3

On _____ (date), the Court considered the *Petition for Expungement* in the above matter.

Appearances were:

Petitioner (Petitioner is the same person as the Defendant in the underlying criminal matter)

Prosecuting Authority: _____

Other: _____

Waived

The Court finds:

1. The Petitioner was charged with the crime(s) of: _____

2. The above-entitled criminal action was determined in favor of the Petitioner;

The Petitioner successfully completed the terms of a diversion program or stay of adjudication and has not been charged with a new crime for at least one year since completion of the diversion program or stay of adjudication;

The Petitioner was convicted of a petty misdemeanor or misdemeanor, or the sentence imposed was within the limits provided by law for a misdemeanor, and the Petitioner has not been convicted of a new crime for at least two years since discharge of the sentence for the crime;

- The Petitioner was convicted of a gross misdemeanor, or the sentence imposed was within the limits provided by law for a gross misdemeanor, and the Petitioner has not been convicted of a new crime for at least three years since discharge of the sentence for the crime;
 - The Petitioner was convicted of a gross misdemeanor that is deemed to be for a misdemeanor pursuant to Minn. Stat. § 609.13, subd. 2 (2), and has not been convicted of a new crime for at least three years since discharge of the sentence for the crime;
 - The Petitioner was convicted of a felony violation of Minn. Stat. § 152.025 and has not been convicted of a new crime for at least four years since discharge of the sentence for the crime;
 - The Petitioner was convicted of a felony that is deemed to be for a gross misdemeanor or misdemeanor pursuant to Minn. Stat. § 609.13, subd. 1(2), and has not been convicted of a new crime for at least five years since discharge of the sentence for the crime; or
 - The Petitioner was convicted of a felony violation of an offense listed in Minn. Stat. § 609A.02, subd. 3(b): _____ and has not been convicted of a new crime for at least four years since discharge of the sentence for the crime.
3. The Petitioner has petitioned for the sealing of all records relating to an arrest, indictment or information, trial, or verdict.
 4. Petitioner was not convicted of an offense that requires registration under Minn. Stat. § 243.166.
 5. The Petitioner has established that they have not been convicted of a felony or gross misdemeanor, either within or without the state, within the ten years immediately before the dismissal prior to a determination of probable cause, the prosecuting authority's decision to decline to file charges, or the grand jury's decision not to return an indictment.
 6. Proper notice has / has not been given including notice to any victim if required.
 7. For petitions filed under Minn. Stat. § 609A.02, subd. 3(a)(3-8) (petitioner was convicted), the Petitioner has / has not established by clear and convincing evidence that expunging the record would yield a benefit to the petitioner commensurate with the disadvantages to the public and public safety of sealing the record and burdening the court and public authorities to issue, enforce, and monitor an expungement order, as required by Minn. Stat. § 609A.03, subd. 5(a): _____

OR

For petitions filed under Minn. Stat. § 609A.02, subd. 3(a)(1) (all actions or proceedings resolved in petitioner’s favor), or subd. 3(a)(2) (petitioner successfully completed terms of diversion or stay of adjudication), the law enforcement agency, government agency, or jurisdiction whose records would be affected has / has not established by clear and convincing evidence that the interests of the public and public safety outweigh the disadvantages to the Petitioner of not sealing the record, as required in Minn. Stat. § 609A.03, subd. 5(b): _____

8. There is / is not a nexus between the criminal record to be expunged and the Petitioner’s status as a crime victim.

IT IS ORDERED:

- 1. Petitioner’s request for sealing/expunging of records is denied.
- 2. Petitioner’s request for sealing/expunging of records is granted. All official records, including all records relating to the arrest, indictment or complaint, trial, and dismissal, shall be sealed by the agencies indicated in paragraph 4 below and the existence not disclosed without court order, except as authorized by law.
- 3. That for this offense only, all fingerprints and thumbprints, photographs and other identification data except for DNA samples, and all copies of duplicates thereof, shall be sealed by the agencies indicated in paragraph 4 below.
- 4. This order applies to the following agencies:
 - District Court
 - _____ County Sheriff
 - _____ Police Dept.
 - MN State Patrol
 - Bureau of Criminal Apprehension
 - Department of Corrections
 - Department of Public Safety, Driver and Vehicle Services Division
 - MN Attorney General
 - _____ County Attorney
 - _____ City Attorney
 - Probation/Court Services Dept:

 - MN Department of Human Services
 - MN Department of Natural Resources
 - MN Department of Health
 - _____

- 5. This order, which finds a nexus between the criminal record and the Petitioner’s status as a crime victim, restores the Petitioner to the status occupied before the arrest. The Petitioner will not be guilty of perjury for failure to acknowledge the arrest or proceeding in response to any inquiry made for any purpose.
- 6. The court administrator shall send a copy of this expungement order to each agency and jurisdiction whose records are affected, and send a copy of this order to the Petitioner along with notice identifying each agency that was sent a copy of the order.
- 7. The Petitioner shall continue to be prohibited from shipping, transporting, possessing, or receiving a firearm for the remainder of the Petitioner's lifetime if the conviction was for a crime of violence and an order was not issued under Minn. Stat. § 609.165, subd. 1d.
- 8. Other: _____

NOTE: This order is stayed for 60 days, during any appeal, and until any remaining restitution or other financial obligation on the case is paid in full. Records will not be sealed until after this time.

Dated: _____
Judge of District Court