

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF RAMSEY

SECOND JUDICIAL DISTRICT

Standing Order re: Public Defender Co-Payment upon filing of Dismissal

WHEREAS, Minn. Stat. § 611.17(c), requires anyone who “receive[s] public defender services” to pay a co-payment “[u]pon disposition of the case,” unless the co-payment is reduced or waived by the court;

WHEREAS, dismissal is a disposition triggering the provisions of Minn. Stat. § 611.17(c);

WHEREAS, Minn. R. Crim. Pro. 30.01 authorizes prosecutors to dismiss most cases outright¹ without any intervention from a judicial officer;

WHEREAS, upon filing of a written dismissal, there is not an efficient mechanism to allow judicial officers to address the public defender co-payment;

WHEREAS, upon filing of a written dismissal, there is not a meaningful opportunity for defense counsel to address whether the co-payment would create a manifest hardship for the defendant;

WHEREAS, the right to counsel requires at least a possibility of relief from public defender co-payments for defendants who are indigent or to whom payment would pose a manifest hardship, see *State v. Tennin*, 674 N.W.2d 403 (Minn. 2004), relying on *Fuller v. Oregon* 417 U.S. 40 (1974);

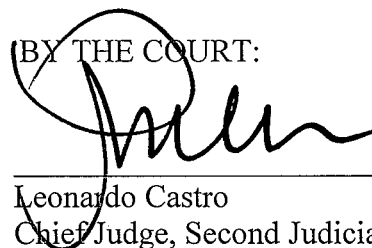
WHEREAS, it is contrary to the interests of justice to require the public defender co-payment from a person unless there has been an opportunity for a judicial officer to determine whether or not the person is indigent or would suffer manifest hardship from the payment;

IT IS HEREBY ORDERED:

1. Court administration in the Second Judicial District shall waive the public defender co-payment in all criminal cases dismissed in writing, unless otherwise directed by a judicial officer.

DATED: September 15, 2020

BY THE COURT:



Leonardo Castro
Chief Judge, Second Judicial District

¹ Any charges brought by indictment can only be dismissed with the court’s approval. Minn. R. Crim. Pro. 30.01