

STATE OF MINNESOTA
IN SUPREME COURT
ADM09-8010



**ORDER REGARDING THE FILING
OF REQUESTS FOR RELIEF IN AID
AND ABET FELONY MURDER CASES**

The Act of May 19, 2023 (the Act), ch. 52, art. 4, § 24, effective August 1, 2023, provides that any person convicted of a violation of Minn. Stat. § 609.185(a)(3) or § 609.19, subd. 2(1), under the theory of liability for crimes of another, and who is in the custody of the commissioner of corrections or under court supervision, is entitled to petition the court to have the person’s conviction vacated under certain circumstances as outlined in the law.

The Act directs that any such individual shall submit a “preliminary application” for relief in Ramsey County District Court, regardless of where the criminal case is venued. Act of May 19, 2023, ch. 52, art.4, § 24, subds. 3(b), 4(a), and 5(a) (effective August 1, 2023). The Act further directs that by December 1, 2023, the commissioner of corrections shall notify individuals convicted of either of the offenses listed above that they have the right to file a preliminary application for relief. *Id.*, ch. 52, art. 4, § 24, subd. 3(a). The Act also directs that the commissioner of corrections shall include the Ramsey County District Court address on all such notices. *Id.*, ch. 52, art. 4, § 24, subd. 3(b).

Subdivision 5 recognizes that the preliminary application may create a strain requiring the judicial branch to issue appointment orders to review preliminary applications and assign additional staff to assist. Act of May 19, 2023, ch. 52, art. 4, § 24, subd. 5(b). The efficient administration of justice requires that judges in the district court of the judicial district in the county where the conviction was entered be appointed, assigned to serve, and assigned to discharge the duties under the Act regarding review of preliminary applications. *See id.*, ch. 52, art. 4, § 24, subd. 5 (setting forth the requisite duties under the Act). The efficient administration of justice, and necessity, further require that court administration for the district court of the judicial district in the county where the conviction was entered be assigned to act and serve in place of the court administrator of the Ramsey County District Court with respect to the processing of preliminary applications under the Act. *Id.* To this end, all preliminary applications should be filed in the criminal case in the district court of the county where the conviction was entered, rather than submitted to a single district court statewide as directed in the Act. *See id.*, ch. 52, art. 4, § 24, subds. 3(b), 4(a), and 5(a).

IT IS HEREBY ORDERED THAT:

1. Pursuant to the provisions of Minn. Stat. § 2.724, subds. 1 and 2 (2022), and consistent with the Act, ch. 52, art. 4, § 24, subd. 5(b), the judges in the district court of the judicial district in the county where the conviction was entered are hereby appointed and assigned to serve and discharge the duties of a reviewing judge under the Act, ch. 52, art. 4, § 24, subd. 5, in reviewing and determining whether there is a reasonable probability that the application is entitled to relief under this section, and to issue any and all necessary orders contemplated by subdivision 5.

2. Consistent with the Act, ch. 52, art. 4, § 24, subd. 5(b), court administration in the county where the conviction was entered are assigned to act and serve in place of the court administrator of the Ramsey County District Court with respect to the processing of preliminary applications under the Act. *Id.*, ch. 52, art. 4, § 24, subd. 5.

3. Consistent with these appointments and assignments, applicants shall submit any preliminary application in their criminal case in the district court in the county where the conviction was entered, notwithstanding the designation of the Ramsey County District Court in subdivision 4 of the Act. *Id.*, ch. 52, art. 4, § 24, subd. 4. The court administrator of the Ramsey County District Court shall direct any preliminary applications received for cases that are not venued in Ramsey County to the county court administrator in the county where the conviction was entered.

4. As provided for in the Act, ch. 52, art. 4, § 24, subd. 3(c), the commissioner of corrections is asked to coordinate with the State Court Administrator's Office in determining the content of the notice, which shall not include the Ramsey County District Court address and shall instead include the following information:

Notwithstanding the provisions in the Act of May 19, 2023, ch. 52, art. 4, § 24, subds. 3–5, defendants are directed to file all preliminary applications for relief in their criminal case in the district court in the county where the conviction was entered, rather than with court administration for Ramsey County District Court.

Dated: August 18, 2023

BY THE COURT:

A handwritten signature in black ink, appearing to read "Lorie S. Gildea", written in a cursive style.

Lorie S. Gildea
Chief Justice