

State of Minnesota

District Court

County of: _____

Judicial District: _____
Court File Number: _____
Case Type: Criminal

State of Minnesota,
Plaintiff

vs.

**Order Concerning Sealing /
Expunging of Records**
(Minn. Stat. § 609A.02, subd. 1 or 2)

Defendant (first, middle, last)

Date of Birth _____

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

Appearances were:

- Petitioner (Petitioner is the same as the Defendant in the underlying criminal matter)
- Prosecuting Authority _____
- Other _____
- Waived

Upon the files and records, the court finds:

1. On _____ (date) in the District Court of _____ County, the
Petitioner:

Entered a plea or was found guilty of the crime of _____
_____ and was sentenced pursuant to Minn. Stat. §152.18.

OR

Entered a plea or was found guilty of _____
following certification or reference to district court for prosecution pursuant to Minn.
Stat. § 260B.125.

2. Petitioner was not convicted of an offense that requires registration under Minn. Stat. § 243.166.

3. The Petitioner was discharged by the commissioner of corrections, or was placed on probation and an order discharging the Petitioner from probation has been filed and/or the proceedings dismissed.

4. Proper service has has not been given including notice to any victim(s) if required.
5. There is is not clear and convincing evidence that sealing the record would yield a benefit to Petitioner commensurate with the disadvantages to the public and public safety of: (1) sealing the record; and (2) burdening the court and public authorities to issue, enforce, and monitor an expungement order. (Minn. Stat. § 609A.03, subd. 5(a)):

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

Upon the Findings of the Court and the files and records herein,

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 finger and thumb prints, 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:

<input type="checkbox"/> District Court	<input type="checkbox"/> _____ County Attorney
<input type="checkbox"/> _____ County Sheriff	<input type="checkbox"/> _____ City Police Dept.
<input type="checkbox"/> _____ City Attorney	<input type="checkbox"/> Probation / Court Services Department
<input type="checkbox"/> Bureau of Criminal Apprehension	_____
<input type="checkbox"/> Department of Corrections	<input type="checkbox"/> Department of Human Services
<input type="checkbox"/> Department of Public Safety	<input type="checkbox"/> Department of Natural Resources
<input type="checkbox"/> Minnesota Attorney General	<input type="checkbox"/> _____
- 5. This order, which seals the record of proceedings under section 152.18 or 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 or charge. 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