

INSTRUCTIONS

CRIMINAL COURT MATTER

Motion for Post-Disposition Relief

Important Notices and Resources

The Court has forms and instructions as a general guide to the court process but may not work for your particular case. The Court may also require additional information from you which is not found on this form. These instructions explain the steps in more detail and answer common questions but are not a full guide to the law. Court employees and Self-Help staff may be able to give general information on court rules and procedures, but they cannot give legal advice.

DO NOT use this form for Post-Verdict Motions pursuant to Minnesota Rule of Criminal Procedure 26.04 seeking a new trial. If you are seeking a new trial pursuant to Rule 26.04, it is strongly recommended to contact a lawyer.

Have questions about court forms or instructions?

- Call the 10th Judicial District Self-Help Center at (763) 760-6699

Not sure what to do about a legal issue or need advice?

- Talk with a lawyer
- Visit www.MNCourts.gov/Find-a-Lawyer.aspx

Forms You May Need

- *Motion for Post-Disposition Relief* (10CR-202)
- *Affidavit in Support of Motion for Post-Disposition Relief* (10CR-203)
- *Affidavit of Service* (10CR-204)

Helpful materials may be found at your public county law library. For a directory, see <http://mn.gov/law-library/research-links/county-law-libraries.jsp>. For more information, contact Court Administration or call the Minnesota State Law Library at 651-297-7651.

Steps to Take

1. **Get information about your case from the court record.** You will need information from your case to fill out the top part of the form (this is known as “the caption”). You will need to look in your court file if you do not have any documents from your case or if you do not know the information. You will also need to know the contact information for the prosecutor and corrections/probation department.
 - You can view some case records online at www.mncourts.gov/publicaccess.
 - You can also view your case records at the courthouse.

2. **Obtain a hearing date.** Your hearing should be at least four weeks after the date you plan to have the motion served. Fill out the hearing information on your paperwork. **NOTE:** Your hearing may be cancelled if you have not filed your completed documents at least 21 days before the hearing date. You may contact your local Court Administration at the following phone numbers:

Anoka	(763) 760-6575	Pine	(320) 591-1500
Chisago	(651) 213-8650	Sherburne	(763) 284-7140
Isanti	(763) 689-2292	Washington	(651) 413-8133
Kanabec	(320) 679-6400	Wright	(763) 682-7548

3. **Fill out the Motion and Supporting Affidavit.**
 - Fill out the *Notice of Motion and Motion for Post-Disposition Relief* (10CR-202).
 - Complete the caption. Make sure your case information is the same as it appears in the court record.
 - Write in the name and address for the prosecutor and corrections/probation department.
 - Write in the hearing date, time, and location that you received from Court Administration.
 - Under “Motion” you should write **WHAT** you are requesting from the court. Make sure to be specific.
 - Fill out the *Affidavit in Support of Motion for Post-Disposition Relief* (10CR-203). This form tells the court and the prosecutor what you are asking for from the court and explains **WHY** you are asking for it. Make sure to be specific.

4. **Make Three Copies** of the completed *Notice of Motion and Motion for Post-Disposition Relief*, *Affidavit in Support of Motion for Post-Disposition Relief* and all attachments (if any).
 - One copy must be served on the prosecutor.
 - One copy must be served on corrections/probation (if you are on probation).

- One copy is for you.
- The original must be filed with Court Administration after the prosecutor and corrections/probation have been served.

5. **Serve** (provide a copy to) the prosecutor and corrections/probation.

- Service may be done by you or another adult. Another adult could be a neighbor, friend, relative, significant other, a process server company, the Sheriff's Office, etc.
- Motions must be served personally (hand-delivered) at least 21 days before the hearing or mailed (by first-class mail) to the addresses of the prosecutor and corrections/probation at least 24 days before the hearing.

Note: Generally, you do not need to serve anyone other than the prosecutor and corrections/probation. If you have questions about service to a party with a protection, harassment, or no contact order currently in place, please get legal advice.

6. **Fill out the Affidavits of Service.**

- You should have one *Affidavit of Service* (10CR-204) for the prosecutor and one *Affidavit of Service* (10CR-204) for corrections/probation, if you are on probation.
- Whoever served the prosecutor and corrections/probation must fully complete and sign the *Affidavit of Service*. The *Affidavit of Service* must identify who was served and must list each document that was served.

7. **File your documents with Court Administration.** Make sure all documents have been completely filled out and signed.

- *Notice of Motion and Motion for Post-Disposition Relief* (10CR-202)
- *Affidavit in Support of Motion for Post-Disposition Relief* (10CR-203) and attachments (if any)
- Two *Affidavits of Service* (10CR-204)

File your documents at least three weeks before your court date. Your hearing may be cancelled if your documents are not filed by the deadline.

8. **Appear and be on time for your court hearing.** Have a copy of your paperwork with you.

State of Minnesota

District Court

County of: _____	Court File Number: _____
Judicial District: _____	Case Type: _____

State of Minnesota

vs.

Defendant (Your name)

Notice of Motion and Motion for Post-Disposition Relief

TO (name and address of prosecutor): _____

TO (name and address of corrections/probation OR write N/A): _____

NOTICE OF HEARING

This matter is scheduled for hearing on _____ (date) at _____ (time),
at _____ (location).

MOTION

I am asking the court for an order as follows:

1. _____

2. _____

3. _____

4.

5. I request any other relief the court feels is fair and equitable.

Date: _____

Signature: _____

Printed Name: _____

Address: _____

City/State/Zip: _____

Phone: _____

Email: _____

County of: _____	Court File Number: _____
Judicial District: _____	Case Type: _____

State of Minnesota

vs.

Defendant

**Affidavit in Support of Motion for
Post-Disposition Relief**

My name is _____ and I state that:

1. I make this Affidavit in support of my Motion to _____

2. The following facts support my Motion:

(attach additional pages if necessary)

I declare under penalty of perjury that everything I have stated in this document is true and correct. Minn. Stat. § 358.116

Date: _____

Signature: _____

Printed Name: _____

County and state where signed:

Address: _____

City/State/Zip: _____

Phone: _____

Email: _____

County of: _____	Court File Number: _____
Judicial District: _____	Case Type: _____

State of Minnesota

vs.

Defendant

Affidavit of Service

I, _____ (name of person who hand-delivered or mailed documents), state that I am at least 18 years of age, having been born on _____ (date of birth), and that on _____ (date of service)

I served the following documents:

- Notice of Motion and Motion for Post-Disposition Relief
- Affidavit in Support of Motion for Post-Disposition Relief
- Other: _____

upon (check one): Prosecutor Corrections/Probation

Service was done by:

Personal Service: By handing a true and correct copy of the documents to _____

Mail Service: By mailing a true and correct copy of the documents by first class mail to _____ (Prosecutor) at their address at: _____

(street address, city, state, zip code) and depositing the envelope, with sufficient postage, in the U.S. Mail at a postal box located in the City of _____, State of _____.

I declare under penalty of perjury that everything I have stated in this document is true and correct. Minn. Stat. § 358.116

Date: _____

Signature: _____

Printed Name: _____

County and state where signed:

Address: _____

City/State/Zip: _____

Phone: _____

Email: _____

County of: _____	Court File Number: _____
Judicial District: _____	Case Type: _____

State of Minnesota

vs.

Defendant

Affidavit of Service

I, _____ (name of person who hand-delivered or mailed documents), state that I am at least 18 years of age, having been born on _____ (date of birth), and that on _____ (date of service)

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upon (check one): Prosecutor Corrections/Probation

Service was done by:

Personal Service: By handing a true and correct copy of the documents to _____

Mail Service: By mailing a true and correct copy of the documents by first class mail to _____ (Corrections/Probation) at their address at: _____

(street address, city, state, zip code) and depositing the envelope, with sufficient postage, in the U.S. Mail at a postal box located in the City of _____, State of _____.

I declare under penalty of perjury that everything I have stated in this document is true and correct. Minn. Stat. § 358.116

Date: _____

Signature: _____

Printed Name: _____

County and state where signed: _____

Address: _____

City/State/Zip: _____

Phone: _____

Email: _____