

CRIMINAL POST-DISPOSITION RELIEF MOTION

DISCLOSURE

On the following pages, you will find a form which may be used to bring a Motion for Post-Disposition Relief before the Court in a criminal matter.

This is a standardized form document. *It may not be appropriate depending on the circumstances of your case and/or the Court may require additional information from you which is not found on this form.*



This form is not to be used 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 Minnesota Rule of Criminal Procedure 26.04, it is strongly recommended you contact an attorney.

INSTRUCTIONS

1. Advance Preparation

- Make sure you have your court file number (available from court administration).
- Make sure you know which prosecutor and corrections/probation you need to have served (available from court administration).

2. Complete Notice of Motion & Motion for Post-Disposition Relief and Supporting Affidavit

- Fill out the Notice of Motion & Motion form. This form tells the court and the prosecutor what you are requesting from the court. It also provides notice of the date and time of the hearing.
- Fill out your Affidavit in Support of Motion. This form tells the court and the prosecutor what you are asking for from the court and explains WHY you are asking for it.

3. Obtain a hearing date. Your hearing should be at least four (4) weeks later than the date you plan to have the motion served. NOTE: Your hearing may be cancelled if you have not filed your completed documents at least twenty-one(21) days prior to 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) 765-4600
Isanti	(763) 689-2292	Washington	(651) 430-6279
Kanabec	(320) 679-6400	Wright	(763) 682-7548

4. Make four (4) Copies of the Completed Notice of Motion & Motion for Post-Disposition Relief, Supporting Affidavit and all attachments (if any)

- One (1) copy is to be served on the prosecutor.
- One (1) copy is to be served on corrections/probation, if applicable (if you are on probation).
- One (1) copy is for you.
- The original is filed with the court after the prosecutor and corrections/probation have been served.

5. Serve (provide a copy to) the Prosecutor and Corrections/Probation:

- Service must be done by someone *not a party to the action* who is over the age of 18. This 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 twenty-one (21) days before the hearing or mailed (via first-class mail) to the addresses of the prosecutor and corrections/probation at least twenty-four (24) days before the hearing.

6. Complete an Affidavit of Service

- Whoever served the prosecutor and corrections/probation must complete an Affidavit of Service indicating (1) who they are, (2) their date of birth, (3) what documents they served, (4) whom they served the documents on, (5) whether they served the other party in person or by mail & (6) when they served the documents.
- The Affidavit of Service must identify *each individual who was served and must identify each document that was served.*

INSTRUCTIONS

7. **File** your paperwork with the Court:

- Make sure all documents have been completely filled out and signed.
 - The original Notice of Motion and Motion.
 - The original Affidavit of Service.
 - File your documents at least three (3) weeks before your court date.
- Your hearing may be cancelled if your completed documents are not filed by the deadline.

8. **Appear and be on time** for your court hearing.

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF _____

TENTH JUDICIAL DISTRICT

State of Minnesota,

**NOTICE OF MOTION AND
MOTION FOR POST-
DISPOSITION RELIEF**

vs.

_____,
Defendant (Your name).

Court File No.: _____

TO (name and address of the prosecuting authority):

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

NOTICE

PLEASE TAKE NOTICE that on the _____ day of _____, _____
(date) (month) (year)
at _____ o'clock _____m. before _____, of the
(time) (name of judicial officer, if known)
_____ County Courthouse, located at _____,
(County Courthouse) (courthouse address)

Minnesota, the Defendant will ask the Court for an Order granting the following relief:

MOTION

1. _____

2. _____

3. _____

4. _____

(attach an additional sheet if necessary)

5. I request such other and further relief as the Court may deem just, fair and equitable.

DATE _____

County and State where signed

Signature

Print Name _____

Address _____

City/ State _____

Zip Code _____

Telephone (_____) _____

State of Minnesota

County _____

District Court

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

State of Minnesota
Plaintiff

vs

Affidavit of Service

Defendant

I, _____, state that I am at least 18 years of age
(Name of person who hand delivered or mailed documents)

having been born on _____, and that on _____
(Date of Service)

I served the following documents, namely _____
(Title of Documents hand delivered or mailed)

upon (check one) Prosecutor Corrections/Probation

Service was done as follows: (check all that apply)

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
(name) _____ at his/her last known 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.

Dated: _____

Signature

Name: _____

County and State where signed

Address: _____

City/State/Zip: _____

Telephone: () _____

E-mail address: _____

State of Minnesota

County _____

District Court

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

State of Minnesota
Plaintiff

vs

Affidavit of Service

Defendant

I, _____, state that I am at least 18 years of age
(Name of person who hand delivered or mailed documents)

having been born on _____, and that on _____
(Date of Service)

I served the following documents, namely _____
(Title of Documents hand delivered or mailed)

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(name) _____ at his/her last known 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.

Dated: _____

Signature

Name: _____

County and State where signed

Address: _____

City/State/Zip: _____

Telephone: () _____

E-mail address: _____