OFFICE OF
APPELLATE COURTS
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FILED

STATE OF MINNESOTA

IN SUPREME COURT

C1-84-2137

PROMULGATION OF AMENDMENTS TO THE MINNESOTA RULES OF CRIMINAL PROCEDURE

ORDER

By order dated May 19, 2008, this Court promulgated an amendment to Rule 7.04 of the Minnesota Rules of Criminal Procedure, adding the following language to the Rule, which governed Completion of Discovery in misdemeanor cases:

> Upon request, the prosecutor must also disclose any material or information within the prosecutor's possession and control that tends to negate or reduce the guilt of the accused as to the offense charged.

At that time, the Supreme Court Advisory Committee on Rules of Criminal Procedure was working on a complete stylistic revision of the Minnesota Rules of Criminal Procedure. In its April 22, 2009 report, the Committee proposed amendments to the Rules that would accomplish that stylistic revision. By order dated October 7, 2009, this Court promulgated the recommended amendments with an effective date of January 1, 2010.

By letter dated February 8, 2010 from the Advisory Committee, it has been brought to the attention of this Court that the amendment to Rule 7.04 that was previously promulgated was inadvertently omitted from the stylistic revision of the Rules. The Committee has requested a corrective order replacing the language that was inadvertently omitted; specifically, the Committee has proposed placing the inadvertently omitted

language, which previously appeared in Rule 7.04, in the newly promulgated Rule 9.04.

The Supreme Court has reviewed the proposed amendment and is fully advised in the premises,

NOW, THEREFORE, IT IS HEREBY ORDERED:

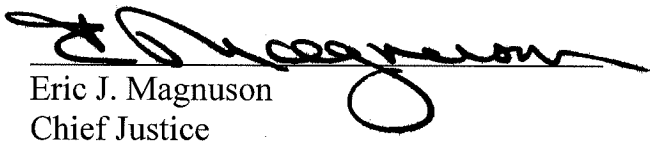
1. The attached amendment to the Minnesota Rules of Criminal Procedure is prescribed and promulgated to be effective February 11, 2010.

2. The attached amendment shall govern all criminal actions commenced or arrests made on or after that date.

3. The Advisory Committee shall continue to serve and monitor said rules and amendments and to hear and accept comments for further changes, to be submitted to the court from time to time.

DATED: February 11, 2010

BY THE COURT:



Eric J. Magnuson
Chief Justice

PROPOSED AMENDMENT TO THE RULES OF CRIMINAL PROCEDURE

In the following amendment, additions are indicated by a line drawn under the words.

1. Amend Rule 9.04 as follows:

Rule 9.04 Discovery in Misdemeanor Cases

In misdemeanor cases, before arraignment or at any time before trial the prosecutor must, on request and without a court order, permit the defendant or defense counsel to inspect the police investigatory reports.

<u>Upon request, the prosecutor must also disclose any material or information within the prosecutor's possession and control that tends to negate or reduce the guilt of the accused as to the offense charged.</u>

After arraignment and on request, the defendant or defense counsel must be provided a copy of the police investigatory reports.

Any other discovery must be by consent of the parties or by motion to the court.

The obligation to provide discovery after arraignment may be satisfied by any method that provides the defendant or defense counsel a copy of the reports, including e-mail, facsimile, or similar method if available to both parties.