

STATE OF MINNESOTA

IN SUPREME COURT

45517

IN RE RULES OF
CRIMINAL PROCEDURE

WHEREAS the new Rules of Criminal Procedure as adopted are effective July 1, 1975; and

WHEREAS a hearing was held in the Courtroom of the Minnesota Supreme Court, State Capitol, St. Paul, Minnesota, on Friday, May 2, 1975, at 9:30 o'clock A. M. to afford the Court and the Advisory Committee the opportunity of hearing comments and suggestions for the future operation of these rules;

NOW, THEREFORE, for the purpose of assisting the orderly implementation of the Rules of Criminal Procedure through the good faith efforts of the Judges and lawyers of Minnesota;

IT IS HEREBY ORDERED that for a period of one year commencing July 1, 1975, prosecution of misdemeanor cases shall not be barred pursuant to Rule 17.06, subd. 4(3), for failure to file a timely complaint within thirty days pursuant to Rule 4.02, subd. 5(3), unless so ordered by a Judge or judicial officer of the county court;

IT IS FURTHER ORDERED that for a period of one year commencing July 1, 1975, any alleged offense may be treated as a petty misdemeanor pursuant to Rule 23.04 when the prosecuting attorney certifies as required and the court approves;

IT IS FURTHER ORDERED that for a period of one year commencing July 1, 1975, trial of any misdemeanor case within sixty days pursuant to Rule 6.06 shall not be required, unless so ordered by a Judge or judicial officer of the county court;

IT IS FURTHER ORDERED that in felony and gross misdemeanor cases wherein it is mutually agreed between the district court and

the county court, or when ordered by the Supreme Court, or when a Judge or judicial officer of the county court is not available, the first appearance in court of a defendant pursuant to Rule 5 may be held before a Judge of district court;

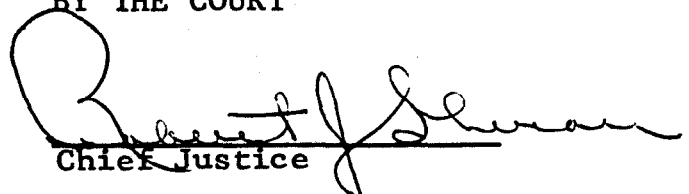
IT IS FURTHER ORDERED that under authority of Minnesota Statutes, Section 480.16, all Judges and judicial officers of a county court may hold court pursuant to The Rules of Criminal Procedure for cases where the alleged offense occurred outside their county court district if a Judge or judicial officer of the county of the alleged offense is not readily available;

IT IS FURTHER ORDERED that no attorney is required to demand a complaint pursuant to Rule 4.02, subd. 5(3), or to make a motion for a probable cause hearing or other motion when in the professional judgment of the attorney such demand or motion is frivolous or otherwise not necessary for a considered disposition of a case on the merits or would only unnecessarily inconvenience or tax opposing counsel or others responsible for the administration of criminal justice; and

IT IS FURTHER ORDERED that for a period of one year commencing July 1, 1975, the district and county courts are urged to be tolerant of insubstantial deviations from the Rules where good faith effort has been made to comply with the Rules.

Dated: May 2, 1975

BY THE COURT


Chief Justice