

STATE OF MINNESOTA

IN SUPREME COURT

45517

ORDER PROMULGATING AMENDMENTS TO THE
RULES OF CRIMINAL PROCEDURE

WHEREAS, the Conference of Chief Judges and Assistant Chief Judges, the County Attorneys Council Board of Governors, and the County Attorneys Association Board of Directors, having been fully advised of the premises of the annexed forms and Amendments to the Rules of Criminal Procedure, have recommended to the Supreme Court Advisory Committee on the Rules of Criminal Procedure and the Supreme Court the adoption of certain forms to be used in charging felony and gross misdemeanor cases and the amendment of certain Rules of Criminal Procedure in conformance therewith, and whereas, the Supreme Court is fully advised of the premises of said recommendations,

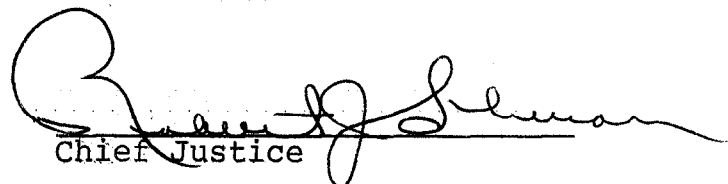
NOW, THEREFORE, it is hereby ordered, that the annexed forms and Amendments to the Rules of Criminal Procedure be, and the same hereby are prescribed and promulgated for the charging of felony and gross misdemeanor criminal matters in the courts of the State of Minnesota.

IT IS FURTHER ORDERED, that these amendments to the Rules of Criminal Procedure shall govern all criminal actions commenced or arrests made after 12 o'clock midnight June 30, 1980.

IT IS FURTHER ORDERED, that true and correct copies of the amendments to the Rules of Criminal Procedure be made available upon request to persons who have registered their names with the clerk of this Court for the purpose of receiving such copies and who have paid \$5.60 which is the specified fee to defray the expense of providing the copies.

Dated: 4-14-80

BY THE COURT:


Chief Justice

Amendments to the Rules of Criminal Procedure

1. Rule 2. Complaint

Amend the rule by adding the following new section, Rule 2.03:

"Rule 2.03 Complaint forms--felony or gross misdemeanors

"For all complaints charging a felony or gross misdemeanor offense the prosecuting attorney or such judge or judicial officer authorized by law to issue process pursuant to Rule 2.02 shall use an appropriate form authorized and supplied by the State Court Administrator. If for any reason such form is unavailable, failure to comply with this rule shall constitute harmless error under Rule 31.01."

Amend the comment to Rule 2 by adding the following new section:

"Rule 2.03 requires the use by the prosecuting attorney, judge or judicial officer of the uniform complaint forms supplied by the State Court Administrator when charging a felony or gross misdemeanor offense. All efforts shall be made to obtain and implement these forms, but in the event the form is unavailable at the time the offense is charged, failure to use the specific form is to constitute harmless error under Rule 31.01."

"Exemplary copies of the mandatory forms are contained in the general form section of these Rules."

2. Rule 11.06. Pleas

Amend the last sentence to read:

"The complaint shall be in the form prescribed by Rule 2.01 and Rule 2.03 except that it need not be made upon oath and the

facts establishing probable cause to believe the defendant committed the offense charged need not be provided."

3. Rule 15.02. Acceptance of Plea; Questioning Defendant;
Misdemeanor Cases

Amend the second numbered paragraph to read:

"2. Whether he realizes that the maximum possible sentence is 90 days imprisonment and ~~\$300~~ a fine in the amount allowed by applicable law. (Under the applicable law, if the maximum sentence is less, it should be so stated.)"

Amend the comment to Rule 15.02 to read (second sentence of third full paragraph, p. 402):

"Nevertheless, where a defendant is subjected to the possibility of ~~as much as a \$300 fine~~ in the maximum amount allowed by law and 90 days incarceration, justice requires that the court inform him at least of his fundamental constitutional rights, the elements of the offense charged, and the possible consequences of a guilty plea."

4. Rule 15.08. Plea to Different Offense

Amend the third sentence to read:

"The complaint shall be in the form prescribed by Rule 2.01 and Rule 2.03 except that it need not be made upon oath and the facts establishing probable cause to believe the defendant committed the offense charged need not be provided."

5. Rule 17.02. Nature and Contents

Amend the rule by adding a Subdivision 5 which shall read:

"Subd. 5. Indictment and Complaint Forms--Felony and Gross

Misdemeanors. For all indictments and complaints charging a felony or gross misdemeanor offense the prosecuting attorney or such judge or judicial officer authorized by law to issue process pursuant to Rule 2.02 shall use an appropriate form authorized and supplied by the State Court Administrator. If for any reason such form is unavailable, failure to comply with this rule shall constitute harmless error under Rule 31.01."

Amend the comment to Rule 17.02 by adding the same new paragraph as for the Rule 2 comment as the third full paragraph on p. 412.

6. Amend the illustrated felony and gross misdemeanor forms section by deleting Forms 1.01, 1.02, 1.03, 1.05, 1.16 and 1.21 and creating an illustrated form Sections A-J to be entitled "Mandatory Felony and Gross Misdemeanor Complaint and Indictment Forms" and to be inserted after Form 1.39. Forms A-J shall read as follows:

Forms A-J

MANDATORY FELONY AND GROSS MISDEMANOR

COMPLAINT AND INDICTMENT FORMS

The State Court Administrator shall supply the complaint and indictment forms. The prosecuting authority shall utilize forms provided by the State Court Administrator in the issuance of all complaints and indictments in felony and gross misdemeanor cases.

MANDATORY FELONY AND GROSS MISDEMEANOR
COMPLAINT AND INDICTMENT FORMS

Form

- A. Complaint-Summons, Warrant, Order of Detention for Felony or Gross Misdemeanor - single defendant, single page, offense description language.
- B. Complaint-Summons, Warrant, Order of Detention for Felony or Gross Misdemeanor - single defendant, single page.
- C. Complaint-Summons, Warrant, Order of Detention for Felony or Gross Misdemeanor - single defendant, multiple page.
- D. Complaint-Summons, Warrant, Order of Detention for Felony or Gross Misdemeanor - single defendant, single page. See State v. Florence, 306 Minn. 442, 239N.W.2d 892(1976).
- E. Complaint-Summons, Warrant, Order of Detention for Felony or Gross Misdemeanor - single defendant, multiple page. See State v. Florence, 306 Minn. 442, 239N.W.2d 892(1976).
- F. Complaint-Summons, Warrant, Order of Detention for Felony or Gross Misdemeanor - multiple defendants.
- G. Complaint-Summons, Warrant, Order of Detention for Felony or Gross Misdemeanor - multiple defendants. See State v. Florence, 306 Minn. 442, 239N.W.2d 892(1976).
- H. Indictment, Pursuant to Rule 17.02, Subd. 2.
- 1-1. Complaint/Indictment Supplement.
- 1-2. Complaint Supplement.
- 1-3. Complaint Supplement.
- 1-4. Indictment Continuation.
- J. Standard Final page for any Complaint-Summons, Warrant, Order of Detention for Felony or Gross Misdemeanors.

State of Minnesota County of _____ Court

CCT	SECTION/Subdivision	U.O.C.	GOC
	ADMINISTRATIVE		
	INFORMATION		

CITY, ATTY. FILE NO.	CONTROLLING AGENCY	CONTROL #
COURT FILE #		DATE FILED

Complaint

- SUMMONS
- WARRANT
- ORDER OF DETENTION
- FELONY
- GROSS MISDEMEANOR

State of Minnesota

PLAINTIFF,

VS.

if more than 6 counts (see attached)

NAME: first, middle, last

Date of Birth

SJIS COMPLAINT NUMBER

[Redacted Name Field]

[Redacted Date of Birth Field]

[Redacted SJIS COMPLAINT NUMBER Field]

DEFENDANT.

COMPLAINT

The Complainant, being duly sworn, makes complaint to the above-named Court and states that there is probable cause to believe that the Defendant committed the following offense (s). The complainant states that the following facts establish PROBABLE CAUSE:

[Large Redacted Area for Facts]

The above facts constitute his basis for believing that the above-named defendant, on the _____ day of _____, 19____, at _____ in the above-named County committed the following described offense (s):

Charge: _____ in violation of _____
Section: _____
Maximum Sentence: _____

(OFFENSE DESCRIPTION)

[Redacted Area for Offense Description]

THEREFORE, Complainant requests that said Defendant, subject to bail or conditions of release be:
(1) arrested or that other lawful steps be taken to obtain defendant's appearance in court; or
(2) detained, if already in custody, pending further proceedings;
and that said Defendant otherwise be dealt with according to law.

COMPLAINANT'S NAME: _____

COMPLAINANT'S SIGNATURE: _____

Being duly authorized to prosecute the offense(s) charged, I hereby approve this Complaint.

DATE: _____

PROSECUTING ATTORNEY'S SIGNATURE: _____

PROSECUTING ATTORNEY:

NAME: _____

ADDRESS: _____

TITLE: _____

TELEPHONE: _____

State of Minnesota County of _____ Court

CCT	SECTION/Subdivision	U.O.C.	GOC
	ADMINISTRATIVE		
	INFORMATION		

CTV. ATTY. FILE NO.	CONTROLLING AGENCY	CONTROL #
COURT FILE #		DATE FILED

Complaint

- SUMMONS
- WARRANT
- ORDER OF DETENTION
- FELONY
- GROSS MISDEMEANOR

State of Minnesota

PLAINTIFF,

VS.

if more than 6 counts (see attached)

NAME: first, middle, last

Date of Birth

SJS COMPLAINT NUMBER

DEFENDANT.

COMPLAINT

The Complainant, being duly sworn, makes complaint to the above-named Court and states that there is probable cause to believe that the Defendant committed the following offense (s). The complainant states that the following facts establish PROBABLE CAUSE:

THEREFORE, Complainant requests that said Defendant, subject to bail or conditions of release be:
(1) arrested or that other lawful steps be taken to obtain defendant's appearance in court; or
(2) detained, if already in custody, pending further proceedings;
and that said Defendant otherwise be dealt with according to law.

COMPLAINANT'S NAME:

COMPLAINANT'S SIGNATURE:

Being duly authorized to prosecute the offense(s) charged, I hereby approve this Complaint.

DATE:

PROSECUTING ATTORNEY'S SIGNATURE

PROSECUTING ATTORNEY:

NAME:

ADDRESS:

TITLE:

TELEPHONE:

State of Minnesota County of _____ Court

CCT	SECTION/Subdivision	U.O.C.	GOC
	ADMINISTRATIVE		
	INFORMATION		

CITY, ATTY. FILE NO.	CONTROLLING AGENCY	CONTROL #
COURT FILE #		DATE FILED

Complaint

- SUMMONS
- WARRANT
- ORDER OF DETENTION
- FELONY
- GROSS MISDEMEANOR

State of Minnesota

PLAINTIFF,

VS.

if more than 6 counts (see attached)

NAME: first, middle, last

Date of Birth

SIIS COMPLAINT NUMBER

DEFENDANT.

COMPLAINT

The Complainant, being duly sworn, makes complaint to the above-named Court and states that there is probable cause to believe that the Defendant committed the following offense (s). The complainant states that the following facts establish PROBABLE CAUSE:

State of Minnesota County of _____ Court

CCT.	SECTION/Subdivision	U.O.C.	GOC
	ADMINISTRATIVE		
	INFORMATION		

CITY, ATTY. FILE NO.	CONTROLLING AGENCY	CONTROL #
COURT FILE #		DATE FILED

Complaint

- SUMMONS
- WARRANT
- ORDER OF DETENTION
- FELONY
- GROSS MISDEMEANOR

State of Minnesota

PLAINTIFF,

VS.

if more than 8 counts (see attached)

NAME: first, middle, last

Date of Birth

SJIS COMPLAINT NUMBER

DEFENDANT.

COMPLAINT

The Complainant, being duly sworn, makes complaint to the above-named court and swears to the best of his knowledge and belief that the information contained in the attached exhibits, consisting of _____ pages, is true and correct and establishes probable cause to believe that the defendant committed the offense (s) described herein.

WHEREFORE, your Complainant alleges that the defendant on or about the _____ day of

_____, 19 _____ at _____
in _____ County did wrongfully, unlawfully,

said acts constitute the offense of

in violation of Minnesota Statutes

maximum sentence:

THEREFORE, Complainant requests that said Defendant, subject to bail or conditions of release be:
(1) arrested or that other lawful steps be taken to obtain defendant's appearance in court; or
(2) detained, if already in custody, pending further proceedings;
and that said Defendant otherwise be dealt with according to law.

COMPLAINANT'S NAME: _____

COMPLAINANT'S SIGNATURE: _____

Being duly authorized to prosecute the offense(s) charged, I hereby approve this Complaint.

DATE: _____

PROSECUTING ATTORNEY'S SIGNATURE: _____

PROSECUTING ATTORNEY:

NAME: _____

ADDRESS: _____

TITLE: _____

TELEPHONE: _____

State of Minnesota County of _____ Court

CCT	SECTION/Subdivision	U.O.C.	GOC
	ADMINISTRATIVE		
	INFORMATION		

CTY. ATTY. FILE NO.	CONTROLLING AGENCY	CONTROL #
COURT FILE #		DATE FILED

Complaint

- SUMMONS
- WARRANT
- ORDER OF DETENTION

State of Minnesota

PLAINTIFF,

VS.

- FELONY
- GROSS MISDEMEANOR

If more than 6 counts (see attached)

NAME: first, middle, last

Date of Birth

SJIS COMPLAINT NUMBER

DEFENDANT.

COMPLAINT

The Complainant, being duly sworn, makes complaint to the above-named court and swears to the best of his knowledge and belief that the information contained in the attached exhibits, consisting of _____ pages, is true and correct and establishes probable cause to believe that the defendant committed the offense (s) described herein.

WHEREFORE, your Complainant alleges that the defendant on or about the _____ day of

_____, 19___ at _____

in _____ County did wrongfully, unlawfully,

State of Minnesota County of _____ Court

CCT	SECTION/Subdivision	U.O.C.	GOC
	ADMINISTRATIVE		
	INFORMATION		

CITY, ATTY. FILE NO.	CONTROLLING AGENCY	CONTROL #
COURT FILE #		DATE FILED

Complaint

- SUMMONS
- WARRANT
- ORDER OF DETENTION

- FELONY
- GROSS MISDEMEANOR

if more than 6 counts (see attached)

State of Minnesota

PLAINTIFF,

VS.

NAME: first, middle, last

Date of Birth

SJIS COMPLAINT NUMBER

DEFENDANTS.

COMPLAINT

The Complainant, being duly sworn, makes complaint to the above-named Court and states that there is probable cause to believe that the Defendants committed the following offense (s). The Complainant states that the following facts establish PROBABLE CAUSE:

State of Minnesota County of _____ Court

CCT	SECTION/Subdivision	U.O.C.	GOC
ADMINISTRATIVE INFORMATION			

CTV. ATTY. FILE NO.	CONTROLLING AGENCY	CONTROL #
COURT FILE #		DATE FILED

Complaint

- SUMMONS
- WARRANT
- ORDER OF DETENTION
- FELONY
- GROSS MISDEMEANOR

State of Minnesota

PLAINTIFF,

VS.

if more than 6 counts (see attached)

NAME: first, middle, last

Date of Birth

SJS COMPLAINT NUMBER

DEFENDANTS.

COMPLAINT

The Complainant, being duly sworn, makes complaint to the above-named court and swears to the best of his knowledge and belief that the information contained in the attached exhibits, consisting of _____ pages, is true and correct and establishes probable cause to believe that the defendants committed the offense(s) described herein.

WHEREFORE, your Complainant alleges that the defendants on or about the _____ day of

_____, 19____ at _____
in _____ County did wrongfully, unlawfully,

State of Minnesota

County of

Court

CCT	SECTION/Subdivision	U.O.C.	GOC
	ADMINISTRATIVE		
	INFORMATION		

CITY ATTY FILE NO.	CONTROLLING AGENCY	CONTROL NO.
COURT FILE NO.		DATE FILED

Indictment

State of Minnesota

If more than 8 counts (see attached)

PLAINTIFF,

- FELONY
- GROSS MISDEMEANOR

VS.

NAME: first, middle, last

Date of Birth

SJIS COMPLAINT NUMBER

DEFENDANTS

INDICTMENT

The above-named Defendant (s) is/are hereby accused and charged by the Grand Jury of the above-named County, in the State of Minnesota, by this indictment of the offense (s) of:

[Large empty box for describing the offense]

in violation of: SECTION:

[Large empty box for section number]

Committed on the _____ day of _____, 19____, at

LOCATION:

[Large empty box for location]

in the above-named County, Minnesota.

COMPLAINT/INDICTMENT SUPPLEMENT

CCT	SECTION/Subdivision	U.O.C	GOC

ADMINISTRATIVE
INFORMATION

PAGE [] of []
SJIS COMPLAINT NUMBER(S):

COMPLAINT SUPPLEMENT

CCT	SECTION/Subdivision	U.O.C	GOC

ADMINISTRATIVE
INFORMATION

PAGE of
SJIS COMPLAINT NUMBER(S):

THEREFORE, Complainant requests that said Defendant, subject to bail or conditions of release be:
(1) arrested or that other lawful steps be taken to obtain defendant's appearance in court; or
(2) detained, if already in custody, pending further proceedings;
and that said Defendant otherwise be dealt with according to law.

COMPLAINANT'S NAME:

COMPLAINANT'S SIGNATURE:

DATE:

Being duly authorized to prosecute the offense(s) charged, I hereby approve this Complaint.
PROSECUTING ATTORNEY'S SIGNATURE:

PROSECUTING ATTORNEY:
NAME:

ADDRESS:

TITLE:

TELEPHONE:

COMPLAINT SUPPLEMENT

CCT	SECTION/Subdivision	U.O.C	GOC

PAGE of
 SJIS COMPLAINT NUMBER(S):

ADMINISTRATIVE
INFORMATION

Said acts constituting the offense of:

in violation of Minnesota Statutes:

Maximum sentence:

THEREFORE, Complainant requests that said Defendant, subject to bail or conditions of release be:
 (1) *arrested or that other lawful steps be taken to obtain defendant's appearance in court; or*
 (2) *detained, if already in custody, pending further proceedings;*
 and that said Defendant otherwise be dealt with according to law.

COMPLAINANT'S NAME:

COMPLAINANT'S SIGNATURE:

Being duly authorized to prosecute the offense(s) charged, I hereby approve this Complaint

DATE:

PROSECUTING ATTORNEY'S SIGNATURE:

PROSECUTING ATTORNEY:

NAME:

ADDRESS:

TITLE:

TELEPHONE:

[Large empty rectangular area for the main body of the indictment]

DATE:

Signature of Foreperson of the Grand Jury

STATE OF MINNESOTA COUNTY OF

State of Minnesota

Plaintiff,

vs.

Defendant(s)

Clerk's Signature or File Stamp

RETURN OF SERVICE
I hereby Certify and Return that I have served copy of this INDICTMENT upon the Defendant(s) herein named.
Signature of Authorized Service Agent.

FINDING OF PROBABLE CAUSE

From the above sworn facts, and any supporting affidavits or supplemental sworn testimony, I, the Issuing Officer, have determined that probable cause exists to support, subject to bail or conditions of release where applicable, Defendant (s) arrest or other lawful steps be taken to obtain Defendant (s) appearance in Court, or his detention, if already in custody, pending further proceedings. The Defendant (s) is/are thereof charged with the above-stated offense.

SUMMONS

THEREFORE You, THE ABOVE-NAMED DEFENDANT(S) ARE HEREBY SUMMONED to appear on the [REDACTED] day of [REDACTED], 19 [REDACTED] at [REDACTED] AM/PM before the above-named court at [REDACTED] to answer this complaint.

IF YOU FAIL TO APPEAR in response to this SUMMONS, a WARRANT FOR YOUR ARREST shall be issued.

WARRANT

EXECUTE IN MINNESOTA ONLY

To the sheriff of the above-named county; or other person authorized to execute this WARRANT; I hereby order, in the name of the State of Minnesota, that the above-named Defendant (s) be apprehended and arrested without delay and brought promptly before the above-named Court (if in session, and if not, before a Judge or Judicial Officer of such Court without unnecessary delay, and in any event not later than 36 hours after the arrest or as soon thereafter as such Judge or Judicial Officer is available) to be dealt with according to law.

ORDER OF DETENTION

Since the above-named Defendant (s) is/are already in custody; I hereby order; subject to bail or conditions of release, that the above-named Defendant (s) continue to be detained pending further proceedings.

Bail:

Conditions of Release:

This COMPLAINT — SUMMONS, WARRANT, ORDER OF DETENTION was sworn to subscribed before, and issued by the undersigned authorized Issuing Judicial Officer this [REDACTED] day of [REDACTED], 19 [REDACTED].

JUDICIAL OFFICER:

Name:
Title:

Signature:

Sworn testimony has been given before the Judicial Officer by the following witnesses:

STATE OF MINNESOTA COUNTY of [REDACTED]

State of Minnesota

Plaintiff,

vs.

Defendant (s)

Clerk's Signature or File Stamp:

RETURN OF SERVICE

I hereby Certify and Return that I have served a copy of this COMPLAINT - SUMMONS, WARRANT, ORDER OF DETENTION upon the Defendant (s) herein-named.

Signature of Authorized Service Agent: