

# SUPREME COURT ADVISORY COMMITTEE RULES OF CRIMINAL PROCEDURE

423 MINNESOTA JUDICIAL CENTER  
25 CONSTITUTION AVENUE  
ST. PAUL, MN 55155

(612) 266-9190

*Judge Joanne M. Smith,  
St. Paul, Chair  
C. Paul Jones, Mpls.  
Judge Donovan W. Frank, Virginia  
Paul Kempainen, St. Paul  
Candace Rasmussen, Winona  
Michael Cromett, St. Paul  
William McGee, Mpls.  
Martin J. Costello, St. Paul  
Ann L. Carrott, Alexandria  
Lawrence Hammerling, Mpls.  
Judge Gary R. Schurrer, Stillwater  
Sonya C. Steven, Mpls.  
Arthur R. Martinez, Mpls.  
Fred Fink, St. Paul  
Lisa D. DeJoras, Mpls.  
Philip Marron, Mpls., Reporter*

OFFICE OF  
APPELLATE COURTS

APR 5 1996

**FILED**

C1-84-2137

April 2, 1996

Chief Justice A.M. Keith  
Minnesota Supreme Court  
25 Constitution Avenue  
St. Paul, MN 55155-6102

Justice Esther M. Tomljanovich  
Minnesota Supreme Court  
25 Constitution Avenue  
St. Paul, MN 55155-6102

RE: Minnesota Rules of Criminal Procedure

Dear Chief Justice Keith and Justice Tomljanovich:


On behalf of the Supreme Court Advisory Committee on Rules of Criminal Procedure, I deliver to you herewith ten copies of a proposed Application for Public Defender and a proposed Order on Application for Public Defender. The Committee recommends that these forms be added as forms 47 and 48 respectively to the Criminal Forms following the Minnesota Rules of Criminal Procedure.

Minn. Stat. §611.17 requires the state public defender to furnish appropriate financial statement forms to defendants seeking to obtain the appointment of a public defender to represent them. The Committee believes it is appropriate to include such forms with the Rules of Criminal Procedure so that uniformity and certainty will exist throughout the state in the appointment of counsel. In preparing these forms, the Committee reviewed the

forms previously developed by the Procedures and Forms Committee of the Conference of Chief Judge.

The Supreme Court Advisory Committee on Rules of Criminal Procedure continues to meet regularly to review the Rules of Criminal Procedure and, in the future, will be submitting to the Court proposed amendments to the Rules including amendments in 5.02 concerning appointment of counsel. However, the Committee believes that these proposed forms concerning appointment of counsel are immediately necessary to the courts and the criminal justice system of Minnesota. Further, because they do not involve policy issues and should not be considered at all controversial, the Committee recommends that these forms be adopted forthwith by the Court without need of any advance publication or hearing.

Respectfully submitted,



---

Judge Joanne M. Smith, Chair  
Supreme Court Advisory Committee  
on Rules of Criminal Procedure

State of Minnesota  
County of \_\_\_\_\_  
File No.: \_\_\_\_\_

District Court  
\_\_\_\_\_ Judicial District

STATE OF MINNESOTA  
v.

ORDER ON APPLICATION  
FOR PUBLIC DEFENDER

\_\_\_\_\_  
Defendent

Upon review of the verified application for a public defender, the Court finds:

The Defendent is:

- Not financially eligible
- Financially eligible because:
  - The defendent, or a dependent of theirs who lives in their household, receives a means tested government benefit.
  - Due to insufficient funds or other assets, the defendent was refused representation by two lawyers on a referral list maintained by the Court.
  - The Court does not maintain a lawyer referral list, but two lawyers in this judicial district refused representation of the defendent due to insufficient funds or other assets.
  - The defendent does not have sufficient income or assets to pay the reasonable costs for defense of their case charged by lawyers in this judicial district.

Therefore, **IT IS ORDERED** that defendent's application for a public defender is:

- Approved
- Not approved

The Court finds that reimbursement is:

- Not required
- Required as follows: \_\_\_\_\_
- To be determined at a later date

Date: \_\_\_\_\_

\_\_\_\_\_  
District Court Judge

**I AM SWEARING TO THE TRUTH OF MY ANSWERS TO THE FOLLOWING QUESTIONS MADE WITH THE FULL KNOWLEDGE OF THE PENALTY OF PERJURY, INCLUDING A POSSIBLE CRIMINAL CHARGE AND PRISON SENTENCE.**

**PLEASE PRINT YOUR ANSWERS**

1. Do you or a dependent who lives with you receive any form of public assistance?  
 Yes       No

a.) If you answered YES, what kind of public assistance is received?

SSI       Food Stamps       AFDC       General Assistance

b.) If a dependent living with you receives public assistance, how are they related to you? \_\_\_\_\_

**IF YOU HAVE ANSWERED YES TO QUESTION #1, GO TO THE LAST PAGE AND SIGN THE FORM IN FRONT OF A NOTARY OR DEPUTY. YOU NEED NOT ANSWER THE REMAINING QUESTIONS ON THIS PAGE OR THE FOLLOWING PAGES. IF YOU HAVE ANSWERED NO TO QUESTION #1, YOU MUST COMPLETE THE REST OF THE FORM.**

2. Have two attorneys refused to handle your case because you could not afford their fees?

Yes       No

a.) If you answered YES, please give their names:

\_\_\_\_\_

b.) Were these lawyers on a list given to you by the Court?

Yes       No

3. Are you currently working?       Yes       No

4. What is your employer's name, address and telephone number? \_\_\_\_\_

5. What type of work do you do? \_\_\_\_\_

6. What is your marital status?       Married       Single       Separated       Divorced

7. What is your spouse's name? \_\_\_\_\_

8. Is your spouse working?       Yes       No

Form 47: Application for Public Defender

9. What is your spouse's employer's name, address and telephone number? \_\_\_\_\_  
 \_\_\_\_\_

10. How many dependent children do you have? \_\_\_\_\_  
 a.) How many of your dependent children live with you? \_\_\_\_\_  
 b.) What are their names and ages?  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

11. What is your total annual gross income? \_\_\_\_\_  
 a.) What is your net (take home) income? \_\_\_\_\_

12. What is your spouse's total annual gross income? \_\_\_\_\_  
 a.) What is your spouse's net (take home) income? \_\_\_\_\_

13. List all other money received from any source: \_\_\_\_\_  
 \_\_\_\_\_

| Your monthly expenses  | Amount Spent Monthly |
|--|----------------------|
| Housing, ___ Buying ___ Renting  | \$                   |
| Groceries  | \$                   |
| Utilities (heat, lights, phones, etc.)                                 | \$                   |
| Car/Vehicle Payment  | \$                   |
| Other Transportation Expenses (bus, gas, etc.)                         | \$                   |
| Insurance (life, fire, house, auto, etc.)                              | \$                   |
| Employment/Education Expenses (tuition, tools, fees, union dues, etc.) | \$                   |
| Medical Expenses   | \$                   |
| Child Care   | \$                   |
| Child Support and Alimony  | \$                   |
| Student or Personal Loans (credit cards, etc.)                         | \$                   |
| Other (describe)   | \$                   |
| <b>Total Monthly Expense</b>   | <b>\$</b>            |

List all other debts: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

14. If you own or are buying any property listed below, fill in the information about that property on the rest of the line.

| Property you own or are buying               | What is the year, Make/Model | Present Value | How much do you owe on it? |
|--|------------------------------|---------------|----------------------------|
| House or mobile home                         |                              | \$            | \$                         |
| Automobile                                   |                              | \$            | \$                         |
| Other vehicle(s)                             |                              | \$            | \$                         |
| Recreational vehicle/boat/snowmobile/RV etc. |                              | \$            | \$                         |
| Other real estate                            |                              | \$            | \$                         |
| Other property (identify)                    |                              | \$            | \$                         |
| <b>ASSETS</b>                                |                              | <b>AMOUNT</b> |                            |
| Cash on hand                                 |                              | \$            |                            |
| Total balance in all bank accounts           |                              | \$            |                            |
| Total tax refund(s) coming                   |                              | \$            |                            |
| Total stocks, bonds, IRA's other annuities   |                              | \$            |                            |
| Other (explain)                              |                              | \$            |                            |
| <b>TOTAL ASSETS</b>                          |                              | <b>\$</b>     |                            |

Signed and sworn to before me  
 on \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
 Signature

\_\_\_\_\_  
 Deputy/Notary

**State of Minnesota**  
**County of** \_\_\_\_\_  
**File No.** \_\_\_\_\_

**District Court**  
**Judicial District** \_\_\_\_\_

**APPLICATION FOR PUBLIC DEFENDER**

Name: \_\_\_\_\_ Date of Birth: \_\_\_\_\_ Phone: \_\_\_\_\_

Address: \_\_\_\_\_  
Street Name and Number City State Zip Code

**READ THIS BEFORE YOU FILL IN THE FORM**

- If you need help, do not understand a question, or have difficulty reading, ask court personnel to help you.
- If you put false information on your application, it may lead to criminal charges against you.
- Only people who cannot afford to pay for an attorney are eligible to have a public defender represent them.
- If information about anything you put on the form changes, including information on your employment, it is up to you to notify the Court when the changes occur.
- The judge may ask you to explain, under oath, any of your answers, or any questions you leave blank.
- Even if you are found eligible to have all or part of the costs of an attorney paid, you may be required to pay back those expenses at a later time.
- If a public defender is appointed, be sure to discuss the services which are available with him/her.
- You are advised that the Court may contact others to verify the information in this form.