

STATE OF MINNESOTA

IN SUPREME COURT

CI-84-2137

PROMULGATION OF AMENDMENTS TO
THE RULES OF CRIMINAL PROCEDURE

ORDER

WHEREAS, the Supreme Court Advisory Committee on Rules of Criminal Procedure has submitted a report and recommended amending the Rules of Criminal Procedure to include Form 47, Application for Public Defender, and Form 48, Order on Application for Public Defender, and

WHEREAS, the Supreme Court has reviewed the recommendations and is fully advised in the premises,

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. The attached Forms 47 and Forms 48 of the Rules of Criminal Procedure be, and the same hereby are, prescribed and promulgated for the regulation of practice and procedure in criminal matters in the courts of the State of Minnesota.
2. The Advisory Committee shall continue to serve to monitor said rules and amendments and to hear and accept comments for further changes, to be submitted to the court from time to time.
3. These forms shall take effect on July 1, 1996.

DATED: April 11, 1996

BY THE COURT:

OFFICE OF
APPELLATE COURTS

APR 11 1996

FILED


A.M. Keith
Chief Justice

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.

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)	\$
Total Monthly Expenses	\$

Form 47: Application for Public Defender

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)		\$	\$
ASSETS		AMOUNT	
Cash on hand		\$	
Total balance in all bank accounts		\$	
Total tax refund(s) coming		\$	
Total stocks, bonds, IRA's other annuities		\$	
Other (explain)		\$	
TOTAL ASSETS		\$	

Signed and sworn to before me
on _____,
_____, 19____.

Signature

Deputy/Notary

State of Minnesota
County of _____
File No.: _____

District Court
_____ Judicial District

STATE OF MINNESOTA

ORDER ON APPLICATION
FOR PUBLIC DEFENDER

v.

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