

Petitioner's Instructions for Expungement (Sealing) of Criminal Records

Please read all instructions before filling out paperwork. You will need to make additional copies if you are seeking to expunge more than one file.

EXPUNGEMENT

This statutory expungement remedy is limited to a court order sealing records and prohibiting disclosure of their existence or their opening except under court order or statutory authority; nothing in the statutes authorize destruction of records or their return to the subject. A Judge of the District Court must hear this petition.

EXPUNGEMENT OR SEALING OF A RECORD-WHAT IT MEANS

Once sealed, a record will not be available to the general public. However, Minn. Stat. §609A.03, subd. 7, states that law enforcement agencies, prosecution or correctional authorities may seek an order signed by a judge to re-open a sealed case for the purpose of a criminal investigation, prosecution or sentencing. The records may be opened for the purposes of evaluating a prospective employee of a criminal justice agency, without a court order, pursuant to Minn. Stat. §609A.03, subd. 7.

YOU MAY QUALIFY FOR AN EXPUNGEMENT IF:

- The charges were dismissed, you were found not guilty, or the case did not otherwise result in a conviction.
- You were charged with a controlled substance offense and the proceedings have been dismissed and discharged.
- You were a juvenile prosecuted as an adult;
- The Board of Pardons has granted you a pardon extraordinary;

If there is no court file (the prosecutor did not file formal charges or the grand jury did not file an indictment) and you've had a clean record for the past 10 years, a petition to the court is not necessary to expunge your arrest record. You should contact the arresting agency and/or the BCA (Minn. Stat. §299C.11(b)).

YOU DO NOT QUALIFY FOR EXPUNGEMENT IF:

- You have any open cases
- You are on probation for any case(s)
- You owe money to Ramsey County (this includes traffic fines for both moving and non-moving violations, and/or court fees and fines)
- The case is for a driving offense, **including** DUI or DWI

PROCEDURES FOR EXPUNGEMENTS

A. COMPLETELY FILL OUT ALL THE PAPERWORK FOR EACH CASE YOU WANT EXPUNGED:

1. NOTICE OF HEARING AND PETITION FOR EXPUNGEMENT

You must fill out this document completely and sign your name in front of a notary public (or deputy court administrator). IT IS MANDATORY that you list all pending criminal charges on this petition as well as any stays of adjudication, continuances for dismissal, or pretrial diversions in any jurisdiction. The court date for expungement will be set by the District Court Administrator's office after the filing is accepted. **It is not necessary to obtain a hearing date from the court administrator's office to be inserted in the notice.** This date must be more than 60 days from the date notice is mailed plus 3 days for mailing. This notice will be mailed by the District Court Administrator's Office.

You must fill out a separate petition for each case that is being expunged.

NOTE: If you want to expunge more than once case in the **same county**, you can put copies for each case into the same envelope addressed to the government office. **Example:** If you are asking to expunge 5 cases, you can put a set of copies for each case into one large envelope addressed to the BCA; then do the same for the other government offices. If any of the 5 offenses happened in **different cities** within the county, be sure to serve the correct copy of expungement papers on the correct **local** government offices (police and city prosecutor) where each offense occurred.

B. MAKE COPIES OF THE COMPLETED FORMS YOU WILL NEED FOR SERVICE ON EACH AGENCY AND THEIR ATTORNEYS. Minn. Stat. §609A.03, subd. 3 requires that a petition must be served on ALL state and local agencies and their attorneys whose records would be affected by the proposed order; for example, the Minnesota Bureau of Criminal Apprehension, Attorney General, the local police department, the local city attorney the prosecuting attorney, the sheriff's department, county attorney, department of corrections (probation), and Project Remand. Refer to pages 5 and 6 for the most common addresses. You will send:

1. Notice of Hearing and Petition
2. Affidavit of Service

C. PROCESS FOR SERVICE

Service needs to be done by a disinterested adult third party (someone over the age of 18). That person must mail a copy of all required documents and complete the Affidavit of Service and sign in front of a notary or a deputy court administrator.

D. FILING THE PAPERWORK WITH DISTRICT COURT

After you have served all agencies with these forms, the “Original” Notice of Hearing and Petition for Expungement and proposed order along with written proof (Affidavit of Service) that all agencies have been served must be filed with the court administrator’s office. **If you cannot bring the forms in person please mail to:** Ramsey County Courthouse

15 W. Kellogg Blvd.
9th Floor, Room 900
St. Paul, MN 55102

A civil filing fee of **\$322.00** is required when filing the documents unless you are unable to pay and instead obtain an order from the court waiving the fee (you must complete and file an Affidavit for Proceeding In Forma Pauperis). No filing fee is required if your case was not a conviction and you did not plead guilty. Inform court personnel that you were not convicted and the fee is waived by statute (Minn. Stat. §609.03, subd.)

E. THE COURT HEARING

You must appear at the hearing. Bring your copies of the documents along with you to court for your own reference.

At the hearing, the Judge will review your petition and any attachments you have submitted. The Judge will also consider any information presented by the prosecutor, any of the various law enforcement agencies and the victim. The Judge may or may not grant the expungement. The Judge may sign the proposed order that you have provided (granting or denying your request), or may prepare his or her own order.

The Judge may deny expungement if your request does not meet the requisite qualifications even if no one objects.

When the order is signed, the court administrator's office will send a copy of the order to all the agencies named in the order to receive notice. If your request was granted, these agencies have 60 days to appeal the order. **Your record remains public during this period and while any appeal is pending.** If no appeal is filed, the record will be sealed 60 days after the filing of the order. It is a good idea to keep a copy of the signed order for your records, as once your case is sealed the case and all paperwork **cannot** be re-opened without a court order signed by a judge.

A motion to expunge is a complicated procedure.

If you have any questions or are in need of more detailed assistance, you should contact an attorney for advice.

The court administrator’s office cannot give you legal advice.

Please Note: All forms must be either typed or legibly printed. Unreadable forms will automatically be rejected.

THE FOLLOWING ARE ADDRESSES OF AGENCIES WHICH MAY HAVE YOUR RECORD ON FILE. FROM THE LIST BELOW, FIND THE CITY WHERE YOUR OFFENSE OCCURRED. THE TWO ADDRESSES LISTED FOR THAT CITY MUST BE ADDED TO THE AFFIDAVIT OF SERVICE.

SAINT PAUL

St. Paul Police Department
Criminal History/Record Checks
St. Paul, MN, 55101

St. Paul City Attorney's Office
15 West Kellogg Blvd.
St. Paul, MN 55102

MAPLEWOOD

Alan Kantrud
Maplewood Police Department
1830 E. County Road B
Maplewood, MN 55109

SHOREVIEW

Jerry Filla
7300 Hudson Blvd.N.
Suite 200
Oakdale, MN 55128

Maplewood Police Department
1830 E. County Road B
Maplewood, MN 55109

Ramsey County Sheriff
425 Grove Street
St. Paul, MN 55101

NEW BRIGHTON

Tom Hughes
1230 Landmark Towers
345 St. Peter Street
St. Paul, MN 55102

ARDEN HILLS

Jerry Filla
7300 Hudson Blvd. N.
Suite 200
Oakdale, MN 55128

New Brighton Police Department
785 Old Highway 8 NW
New Brighton, MN 55112

Ramsey County Sheriff
425 Grove Street
St. Paul, MN 55101

ROSEVILLE

Caroline Beckman
1700 W. Hwy 36
Suite 110
Roseville, MN 55113

STATE FAIR

Tom Hughes
1230 Landmark Towers
345 St. Peter Street
St. Paul, MN 55102

Roseville Police Department
Records
2660 Civic Center Drive
Roseville, MN 55113

St. Anthony Police Dept.
3301 Silver Lake Road NE
Minneapolis, MN 55418

NORTH ST. PAUL

Mark Gaughan
1700 W. Hwy 36
Suite 110
Roseville, MN 55113

NORTH OAKS

Kevin Beck
200 Crosswinds
1300 Hudson blvd
St Paul, MN 55128

North St. Paul Police Department
2400 Margaret Street N.
North St. Paul, MN 55109

Ramsey County Sheriff
425 Grove Street
St. Paul, MN 55101

GEM LAKE

Heather Monnens
4770 White Bear Parkway
White Bear Lake, MN 55110

Ramsey County Sheriff
425 Grove Street
St. Paul, MN 55101

WHITE BEAR TOWNSHIP

Jim Erickson, Jr.
1700 W. Hwy 36
Suite 110
Roseville, MN 55113

Ramsey County Sheriff
425 Grove Street
St. Paul, MN 55101

LAUDERDALE

Katrina Joseph
1230 Landmark Towers
345 St. Peter Street
St. Paul, MN 55101

St. Anthony Police Department
3301 Silver Lake Road NE
Minneapolis, MN 55418

LITTLE CANADA

Kevin Beck
200 Crosswinds
7300 Hudson Blvd N.
St. Paul, MN 55128

Ramsey County Sheriff
425 Grove Street
St. Paul, MN 55101

ST. ANTHONY

Steve Carlson
Suite 201 Anthony Place
2855 Anthony Lane
St. Anthony, MN 55418

VADNAIS HEIGHTS

Kari Quinn
1700 W. Hwy 36
Suite 110
Roseville, MN 55113

Ramsey County Sheriff
425 Grove Street
St. Paul, MN 55101

FALCON HEIGHTS

Katrina Joseph
1230 Landmark Towers
345 St. Peter Street
St. Paul, MN 55102

Ramsey County Sheriff
425 Grove Street
St. Paul, MN 55101

WHITE BEAR LAKE

Robb Olson
4770 White Bear Parkway
White Bear Lake, MN 55110

White Bear Lake Police Dept
4701 Highway 61
White Bear Lake, MN 55110

MOUNDS VIEW

Tom Hughes
1230 Landmark Towers
345 St. Peter Street
St. Paul, MN 55102

Mounds View Police Dept.
2410 County Road 10
Mounds View, MN 55112

St. Anthony Police Dept.
3301 Silver Lake Road NE
Minneapolis, MN 55418

State of Minnesota

District Court

County:	Ramsey
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Judicial District:	2nd
Court File Number:	
Case Type:	Criminal

State of Minnesota, Plaintiff

VS.

Defendant/Petitioner

Date of Birth _____

I state under oath that:

I am petitioning the court for expungement (sealing) of a criminal record.

I qualify for an expungement because

- A criminal case against me for a controlled substance violation has been dismissed and the proceedings have been discharged (use Order Sealing Record/Conviction);
- I was certified or referenced for prosecution as an adult for a crime I committed when I was a juvenile (use Order Sealing Record/Conviction);
- A criminal matter was resolved in my favor (use Order Concerning Sealing of Records/No Conviction);
- I was convicted of a crime, but the benefit to me in sealing my criminal record outweighs the disadvantage to the public, the courts, and other authorities. (This exception may require a memorandum of law and strong valid reasons for support.)

My full name, and all other legal names or aliases I have been known as, are:

My date of birth is: _____

The following are all of the addresses I have lived at since the date of the offense for which I am seeking expungement (please list you most current address first and write all previous addresses after):

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

I am seeking expungement because (include whether expungement is sought for employment or licensure purposes, the statutory or other legal authority under which expungement is sought, and why expungement should be granted): _____

The details of the offense are (include date and jurisdiction of occurrence, court file number, and date of conviction or dismissal): _____

The names of the victims in this case are: _____

Or, there were no identifiable victims.

There is/was is not a current or prior order for protection, restraining order or other no-contact order prohibiting me from contacting the victims (attach copies of any orders to petition).

Since conviction of this offense, I have taken the following steps toward personal rehabilitation, including treatment, work, or other personal history: _____

Or, there was no conviction for this offense.

My criminal record including all charges, convictions, stays of adjudication or imposition of sentence and pending actions for misdemeanors, gross misdemeanors or felonies in this state, another state, federal court, or a foreign country, whether the conviction occurred before or after the offense for which expungement is sought, consists of:

Type of Offense	Date of Offense	State/County	File/Case #	Conviction (Y/N)	Date (If Yes)
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

All prior requests for expungement, pardon or sealing of a criminal record, whether for this offense or for any other offense, whether granted or not, that I have made include: _____

Notice of Hearing

Notice to Law Enforcement/Prosecutor: Any objection to expungement in this case shall be filed with the court as soon as possible, and within 60 days. This matter is scheduled for hearing on a date to be mailed by the District Court Administrator's office.

Dated: _____

Signature *(Sign only in front of a Notary Public or Court Administrator.)*

Name: _____

Sworn/affirmed before me this
_____ day of _____, 20_____.

Address: _____

City/State/Zip: _____

Telephone: (_____) _____

Notary Public or Deputy Court Administrator

State of Minnesota

District Court

County Ramsey

Judicial District:	2nd
Court File Number:	_____
Case Type:	Criminal

Affidavit of Service

STATE OF MINNESOTA)
)
 COUNTY OF _____)
 (County where Affidavit Signed)

I, _____ (Name of person who mailed the documents),
 being duly sworn upon oath, state that on _____, I served the attached documents
 (Notice of Hearing and Petition for Expungement and Proposed Orders) by mailing a true and correct copy
 to the following parties at the following addresses by placing the documents in the U.S. mail in the city of
 _____ with sufficient postage:

Attorney General's Office
 Pub. Safety Div. – Records
 445 Minnesota St. - Suite 1800
 St. Paul, MN 55101

Ramsey County Project Remand
 Metro Square 121 East 7th Place
 Suite 2500
 St. Paul, MN 55101

Atty for DHS, Assistant Atty
 General - Suite 900
 445 Minnesota St
 St. Paul, MN 55101-2127

Ramsey County Attorney's Office
 345 Wabasha St. N.
 Suite 120
 St. Paul, MN 55102-1432

Ramsey County Probation
 Metro Square 121 East 7th Place
 Suite 1200
 St. Paul, MN 55101

Ramsey County Sheriff
 425 Grove Street
 St. Paul, MN 55101

Appeals Coordinator
 MN Department of Health
 P.O. Box 64970
 St. Paul, MN 55164-0970

Bureau of Criminal Apprehension
 1430 Maryland Ave. E.
 St. Paul, MN 55106-2802

Jennifer Park
 MN Dept. of Human Services
 P.O. Box 64242
 St. Paul, MN 55164-0242

Dated: _____

Signature _____
(Sign only in presence of Notary or Court Deputy)

Sworn/affirmed before me this (Date): _____

Print Name: _____

Address: _____

City/State/Zip: _____

Notary Public or Deputy Court Administrator

Telephone: _____ / _____

State of Minnesota

District Court

County:	Ramsey
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Judicial District:	2nd
Court File Number:	_____
Case Type:	Civil

In Re: The Arrest of

**Notice of Hearing and
Petition for Expungement
(Sealed Records)
Minn. Stat. §609A.03**

Defendant/Petitioner

Date of Birth _____

I state under oath that:

I am petitioning the court for expungement (sealing) of a criminal record.

I qualify for an expungement because:

A criminal matter was resolved in my favor (use Order Concerning Sealing of Records/No Conviction);

My full name, and all other legal names or aliases I have been known as, are:

My date of birth is: _____

The following are all of the addresses I have lived at since the date of the offense for which I am seeking expungement (please list you most current address first and write all previous addresses after):

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

I certify that I am seeking expungement of this arrest because there was only an arrest and no conviction.

My criminal record including all charges, convictions, stays of adjudication or imposition of sentence and pending actions for misdemeanors, gross misdemeanors or felonies in this state, another state, federal court, or a foreign country, whether the conviction occurred before or after the offense for which expungement is sought, consists of:

Type of Offense	Date of Offense	State/County	File/Case #	Conviction (Y/N)	Date (If Yes)

All prior requests for expungement, pardon or sealing of a criminal record, whether for this offense or for any other offense, whether granted or not, are: _____

Notice of Hearing

Notice to Law Enforcement/Prosecutor: Any objection to expungement in this case shall be filed with the court as soon as possible, and within 60 days. This matter is scheduled for hearing on a date to be mailed by the District Court Administrator’s office.

Dated: _____

Signature *(Sign only in front of a Notary Public or Court Administrator.)*

Name: _____

Sworn/affirmed before me this
_____ day of _____, 20_____.

Address: _____

City/State/Zip: _____

Telephone: (_____) _____

Notary Public or Deputy Court Administrator

State of Minnesota

District Court

County Ramsey

Judicial District:	2nd
Court File Number:	_____
Case Type:	Civil

Affidavit of Service

STATE OF MINNESOTA)
)
 COUNTY OF _____)
 (County where Affidavit Signed)

I, _____ (Name of person who mailed the documents),
 being duly sworn upon oath, state that on _____, I served the attached documents
 (Notice of Hearing and Petition for Expungement and Proposed Orders) by mailing a true and correct copy
 to the following parties at the following addresses by placing the documents in the U.S. mail in the city of
 _____ with sufficient postage:

Attorney General's Office
 Pub. Safety Div. – Records
 445 Minnesota St. - Suite 1800
 St. Paul, MN 55101

Ramsey County Project Remand
 Metro Square 121 East 7th Place
 Suite 2500
 St. Paul, MN 55101

Atty for DHS, Assistant Atty
 General - Suite 900
 445 Minnesota St
 St. Paul, MN 55101-2127

Ramsey County Attorney's Office
 345 Wabasha St. N.
 Suite 120
 St. Paul, MN 55102-1432

Ramsey County Probation
 Metro Square 121 East 7th Place
 Suite 1200
 St. Paul, MN 55101

Ramsey County Sheriff
 425 Grove Street
 St. Paul, MN 55101

Appeals Coordinator
 MN Department of Health
 P.O. Box 64970
 St. Paul, MN 55164-0970

Bureau of Criminal Apprehension
 1430 Maryland Ave. E.
 St. Paul, MN 55106-2802

Jennifer Park
 MN Dept. of Human Services
 P.O. Box 64242
 St. Paul, MN 55164-0242

Dated: _____

 Signature (Sign only in presence of Notary or Court Deputy)

Sworn/affirmed before me this (Date): _____

Print Name: _____

Address: _____

City/State/Zip: _____

Notary Public or Deputy Court Administrator

Telephone: _____ / _____