

**Petitioner’s Instructions for Expungement
(Sealing) of Criminal Records
(Minn. Stat. § 609A.01 - .03)**

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.

- **A Motion to Expunge is a complicated procedure.**
- **If you have any questions or are in need of more assistance, you should contact an attorney.**
- **The court administrator’s office cannot give you legal advice.**

You may also want to view the “What is Criminal Expungement” video, as well as the tutorial on how to complete the expungement forms. These materials are available on the Minnesota Judicial Branch website at www.mncourts.gov under Self-Help / Criminal Expungement.

EXPUNGEMENT OR SEALING OF A RECORD – WHAT IT MEANS

Minn. Stat. § 609A states that the expungement of criminal records 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 law authorizes destruction of records or their return to you. A judge of the District Court must decide this petition.

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 or for certain social services licensing purposes.

YOU MAY QUALIFY FOR AN EXPUNGEMENT UNDER MINNESOTA STATUTE § 609A IF:

- The charges were dismissed, you were found not guilty, or the case did not otherwise result in a conviction. If you entered into a plea of guilty, even if the court stayed adjudication of guilt or allowed you to enter into a diversion program, a court may decide your case does not satisfy this requirement.
- You were charged with a controlled substance offense - 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.

In the situations listed above, the court can order all records of that criminal case kept in Minnesota to be sealed. 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)).

If you were convicted in any other situation, your case does not meet the criteria under Minn. Stat. § 609A. Expungement of a conviction not meeting the 609A criteria is possible, but rare and can only be granted for the court’s records. Records of your arrest and prosecution held by the police, sheriff’s office, prosecutors and the BCA would not be affected by such an expungement order. Serious crimes like murder, aggravated assault, driving while intoxicated, and sex offender crimes are never expunged. Less serious crimes can be expunged only if you can convince the court that you have made changes in your

life that demonstrate you are very unlikely to commit another crime, and that the benefit to you from an expungement outweighs the burden of sealing the records.

To request expungement of a conviction not meeting the 609A criteria, check the 4th box of item #9 of the Petition which states “I was convicted but I have rehabilitated myself. The benefit to me outweighs the disadvantage to the public and the burden on the court.” An order expunging a conviction may provide only for expungement of the record held by state courts and may not expunge records held by state or local law enforcement and prosecution agencies.

Helpful materials may be found at your public county law library. For a directory, see <http://www.lawlibrary.state.mn.us/cllppubdir.rtf> . For more information, contact your court administrator or call the Minnesota State Law Library at 651-296-2775.

PROCEDURES FOR EXPUNGEMENTS

A. COMPLETELY FILL OUT A SEPARATE PETITION AND ORDER 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 prior and pending criminal charges in this or any other state on this petition as well as any stays of adjudication, continuances for dismissal, or pretrial diversions in any jurisdiction. If you are unsure about your court records, most Minnesota counties have public access terminals where you may look up your case information. The Minnesota Bureau of Criminal Apprehension (BCA) will provide a printed record for a fee. You may contact them at 651-793-2400 for more information.

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.

2. PROPOSED ORDER TO EXPUNGE CRIMINAL RECORDS

You must complete a separate order for each case that you want expunged. There are three types of orders: (1) Order Concerning Sealing of Records – No Conviction (EXP105); (2) Order Sealing Record - Conviction (EXP106); and (3) Order – Inherent Judicial Authority (EXP107). Use the one appropriate to your situation, as indicated on the petition (EXP102).

3. REQUEST FOR WAIVER OF FILING FEE—IN FORMA PAUPERIS (IFP)

If you will be seeking waiver of the filing fee, additional papers need to be completed. You will need to ask for a waiver form (IFP) specifically. Fee waiver forms are available at www.mncourts.gov/forms. You will have to provide financial information to have the court determine whether you qualify to have the fee waived. The fee or the order waiving the fee must be submitted when the petition is filed.

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, the Attorney General’s Office, the local police department, the prosecuting attorney, the sheriff’s department, county attorney, department of corrections (probation).

1. Notice of Hearing and Petition(with the scheduled hearing date completed)
2. The unsigned proposed Order you are seeking to have the judge issue.

C. PROCESS FOR SERVICE

You are responsible to see that service is done properly. Court staff cannot serve the documents for you. Service needs to be done by a disinterested third party (someone not related to the case) who is 18 or older. 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. Service must be complete at least 63 days prior to the scheduled hearing date.

D. FILING THE PAPERWORK WITH DISTRICT COURT

After copies of the documents have been served on all required agencies and their attorneys, the “Original” Notice of Hearing and Petition for Expungement, the proposed order along with written proof (Affidavit of Service) that all agencies have been served must be filed with the court administrator’s office. File your papers as soon as you have completed the notification process.

- A filing fee is not required for cases that were “resolved in your favor.” This means no filing fee is required if you were not convicted and did not plead guilty in the case. If the case was “resolved in your favor,” inform court personnel that the filing fee is waived by statute.
- A filing fee is required for cases in which you were convicted or entered a guilty plea. This includes cases where you were found guilty by the court or entered a guilty plea, even if that plea was held by the court or was later vacated.

Check with the court administrator in the county you are filing in for the correct filing fee amount. You may ask the court to waive the filing fee by completing a form called “Affidavit for Proceeding In Forma Pauperis” and following the instructions given to you by court personnel.

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. The original documents should already be in the court file.

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 victim has the right to submit an oral or written statement to the court. You may be required to testify and be cross examined by attorneys for any agency or office that opposes your request.

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. Any party whose records will be affected by the order may file an appeal to the Minnesota Court of Appeals. If an appeal is filed, you will be responsible for representing yourself or retaining an attorney to represent you. If no appeal is filed, the record will be sealed 60 days after the filing of the order. It is a good idea to obtain a certified copy of this order for your own records. A certified copy fee will be charged unless you have an in forma pauperis (IFP) order.

REMINDER: CONTACT AN ATTORNEY IF YOU NEED MORE ASSISTANCE.

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

Kevin Beck
223 Little Canada Road E
Suite 200
St Paul, MN 55117

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

Joe Kelly
223 Little Canada Road E
Suite 200
St. Paul, MN 55117

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 Department
3301 Silver Lake Road NE
Minneapolis, MN 55418

NORTH ST. PAUL

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

NORTH OAKS

Martin Norder
223 Little Canada Road E
Suite 200
St Paul, MN 55117

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
Suite 100
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

Martin Norder
223 Little Canada Road E
Suite 200
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

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

WHITE BEAR LAKE

Robb Olson
4770 White Bear Parkway
Suite 100
White Bear Lake, MN 55110

White Bear Lake Police Department
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 of _____

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

State of Minnesota,

Plaintiff

vs.

Defendant/Petitioner

**Notice of Hearing and
Petition for Expungement**

**(Sealed Records)
Minn. Stat. § 609A.03
Or
Inherent Authority**

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 _____(date) at _____ (time); at _____(location).

Petition for Expungement

1. I state under oath that I am petitioning the court for expungement (sealing) of a criminal record.
2. My full name, and all other legal names or aliases I have been known as, are:

3. My date of birth is: _____
4. The following are all of the addresses I have lived at since the date of the offense for which I am seeking expungement: (street address, city, state) _____

5. 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 state in detail and with specifics why expungement should be granted. Attach additional pages if necessary.): _____

6. 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:

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

7. I have no criminal records, other than listed at #6, in this state or elsewhere.

8. 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: _____

9. 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 Admission/Finding of Guilt or 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 Admission/Finding of Guilt or Conviction);

- A criminal matter was resolved in my favor (use Order Concerning Sealing of Records No Admission/Finding of Guilt or Conviction);
- I was convicted but I have rehabilitated myself. The benefit to me outweighs the disadvantage to the public and the burden on the court (use Findings of Fact, Conclusions of Law and Order to Seal Judicial Records Only).

10. The details of the offense I want to expunge are: Case # _____ Jurisdiction/City where the offense occurred: _____ Type of Offense: _____ Date of Offense: _____

This was a conviction or a dismissal. Date of conviction or dismissal: _____

11. The names of the victims in this case are: _____ Or, there were no identifiable victims.

12. There is 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).

13. Since conviction of this offense, I have taken the following steps toward personal rehabilitation, including treatment, work, or other personal history (Attach additional pages if necessary.): _____

Or, there was no conviction for this offense.

Dated _____ Signature *(Sign only in front of notary public or court administrator.)* _____

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

Name: _____
 Address: _____
 City/State: _____
 Zip Code: _____
 Telephone: _____

Notary Public \ Deputy Court Administrator

County	Ramsey
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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:	<u>2nd</u>
Court File Number:	_____
Case Type:	<u>Civil</u>

In Re: The Arrest of

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: _____

Notary Public or Deputy Court Administrator

Telephone: (_____) _____

County	Ramsey
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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: _____ / _____