

State of Minnesota

District Court

County of: _____

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

State of Minnesota,
Plaintiff

vs.

**Findings of Fact, Conclusions of Law
and Order to Seal/Expunge Judicial
Records Only**

Defendant (first, middle, last)

Date of Birth _____

FINDINGS OF FACT

1. Petitioner (the Defendant named above) was charged with _____
_____ on _____ from
an offense date on or about _____ .
2. On _____ , the Petitioner pleaded guilty to the charge / amended
charge of _____
OR
On _____ , the Petitioner was found guilty by the court / a jury of the charge.
3. A petition for expungement was properly filed on _____ . The Petitioner has
given proper notice to all parties and agencies as required in Minn. Stat. § 609A.03,
subd. 3.
4. This case was not resolved in the Petitioner’s favor, and the Petitioner does not qualify
for expungement under any of the grounds set forth in Minn. Stat. § 609A.02, subd. 3,
therefore the Petitioner is not entitled to an expungement under Minnesota Statute
Chapter 609A.
5. There is not an infringement of the Petitioner’s constitutional rights.
6. The benefits to the Petitioner of receiving an expungement are

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7. There is a strong public interest in maintaining accurate public records. The disadvantages to the public of expungement are that the criminal justice system will have inaccurate files about offenders and prosecutors and courts will not know whether or not a defendant is a first time offender.

 8. The County / City further argues as clear and convincing evidence why the records should not be sealed that _____. [ONLY USE IF THERE IS SOMETHING IN THE LETTER THAT IS NOT INCLUDED IN #7 ABOVE]

 9. There is clear and convincing evidence that the benefit to the Petitioner is greater than disadvantage to the public:

CONCLUSIONS OF LAW

1. Minnesota courts have the inherent power to expunge criminal records in two situations. See State v. C.A., 304 N.W.2d 353, 358 (Minn. 1981); In re R.L.F., 256 N.W.2d 803, 807-08 (Minn. 1977). First, courts may use their inherent expungement power “where the Petitioner’s constitutional rights may be seriously infringed by retention of his records.” State v. Ambaye, 616 N.W.2d 256, 258 (Minn. 2000). Second, when a Petitioner’s constitutional rights are not involved, “the court must decide whether expungement will yield a benefit to the Petitioner commensurate with the disadvantages to the public from the elimination of the record and the burden on the court in issuing, enforcing and monitoring an expungement order.” Ambaye, 616 N.W.2d at 258.

2. If the charge is dismissed following a stay of imposition of sentence, it is not a determination in the defendant’s favor. City of St. Paul v. Froysland, 246 N.W.2d 435, 439 (Minn. 1976). [USE ONLY FOR CASES WITH STAY OF IMPOSITION]

3. A stay of adjudication with probation is not a resolution in favor of the Petitioner. See State v. Davisson, 624 N.W.2d 292, 296 (Minn. App. 2001). [USE ONLY FOR CASES WITH A STAY OF ADJUDICATION]

4. Where there is no infringement of the Petitioner’s constitutional rights, the judicial branch does not have the authority to order non-judicial records sealed in situations where the court used its inherent authority to expunge a record. See State v. Schultz, 676 N.W.2d 337, 345 (Minn. App. 2004).

ORDER

1. Petitioner's request is **GRANTED**.
2. All judicial branch records concerning the above-entitled matter, including records of arrest, citation, and charges, relative to the offense(s) shall be sealed/expunged.
3. The Court Administrator shall seal all files and records relating to the offenses, and refrain from disclosing or revealing the contents thereof without Order of the Court; said officials shall remove references to Petitioner from all index books and computers open to public examination under the caption of these cases or as it relates to the cases.
4. This Order is subject to the limitations set forth in Minn. Stat. § 609A.03.
5. This Order shall be stayed for 60 days from the date of filing to allow any affected party to file an appeal. If any appeal is filed, this Order is stayed during the pendency of that appeal. This Order is also stayed until any remaining restitution or other financial obligation is paid in full.

Date: _____

Judge of District Court