

## HOW TO FILE A PLEA WITHOUT A COURT APPEARANCE IN HENNEPIN COUNTY

Use this form if:

- You wish to enter a guilty plea; AND
- You are pleading guilty to a Gross Misdemeanor, Misdemeanor, or Petty Misdemeanor offense; AND
- You wish to waive your right to be present in court at the time the plea is entered.

### Guidelines for Attorneys

1. **Timing:** A petition for a plea without a court appearance must be filed **at least three business days before the next hearing**, unless excused by the court before the petition is filed. If you receive advance approval by the presiding Judge to submit the plea petition without a court appearance, close in time to the next hearing, courtesy copies must be emailed to chambers as there are delays with e-filing.
2. **Persons Required to Appear:** All parties (the defendant, defense attorney, and prosecutor) must appear at the hearing if the court has not issued an order accepting the plea petition. If a defendant does not appear at a scheduled hearing, an arrest warrant may issue.
3. **Continuances:** Parties are not entitled to a continuance of a hearing to file the petition.
4. **Form:** Parties should use this most recent Hennepin County form: [Minnesota Judicial Branch - Hennepin County District Court \(mncourts.gov\)](https://mncourts.gov). This form may be used for Petty Misdemeanor, Misdemeanor, and Gross Misdemeanor offenses.
5. **Information required:** All pleas without a court appearance must include the following information:
  - a. Accurate reference to all original charges and statutes (including subdivisions) and, if applicable, amended charges and statutes.
  - b. Clear recitation of count(s) to which defendant pleads and what count(s) are to be dismissed.
  - c. Waiver of trial rights.
  - d. Adequate and detailed factual basis, not merely recitation of the elements.
  - e. Full terms of agreement **not** using acronyms (e.g., "NOSS").
  - f. Length of probationary period or stay.
  - g. Type of probation agreed upon by the parties, if applicable.
  - h. Date-certain to start EHM or ACF time, if applicable.
  - i. Jail credit, even on a Stay of Adjudication.
  - j. Fines and any prosecution costs.
  - k. Any cash bail that remains posted and disposition, including address and/or assignment.
  - l. Waiver of defendant's presence at plea and sentencing.
  - m. *Padilla* notice.
  - n. Enhanceability, if applicable.

- o. Agreed-upon restitution amount or cap. (Restitution may not be reserved in a plea by mail without sufficient information regarding defendant's income, resources, and obligations.)
- p. Signature of defendant, defense attorney, and prosecutor. If the petition is amended after anyone signs, each party must sign again. Do not apply defendant's or prosecutor's first signature to an amended petition.

## 6. Types of Probation

- a. **No Fees** – Hennepin County Probation does not impose probation supervision fees (whether supervised or administrative probation).
- b. **Supervised Probation** – This is the default type of probation for cases involving targeted misdemeanors and gross misdemeanors. This level of supervision involves a risk assessment and any recommended programming. If a defendant has had assessments and/or completed programming, they will be required to sign releases of information for Probation. With supervised probation, the defendant will be required to follow the standard probation rules. The targeted misdemeanors and gross misdemeanors are found in [Minn. Stat. § 299C.10, subd. 1\(e\)](#):
  - Driving While Impaired (§ 169A.20)
  - Order for Protection Violation (§ 518B.01)
  - Fifth-Degree Assault (§ 609.224)
  - Domestic Assault (§ 609.2242)
  - Interference with Privacy (§ 609.746)
  - Harassment or Restraining Order Violation (§ 609.748)
  - Indecent Exposure (§ 617.23)
  - Domestic Abuse No Contact Order Violation (§ 629.75)
- c. **Administrative Probation** - This is a type of Supervised Probation which may be requested when parties agree Probation will only monitor the conditions to remain law-abiding and having no same or similar offense. Regularly scheduled meetings or check-ins are typically not required.
- d. **Probation to the Court** – This is the default type of probation for non-targeted misdemeanors and gross misdemeanors. Probation to the Court requires the prosecutor to monitor the terms of probation. The probation department does not open a file. Probation to the Court does not require that the defendant follow the standard probation rules.
- e. **Unsupervised Probation** – Do not use this ambiguous term. Using this term may result in the judge rejecting the plea agreement.

STATE OF MINNESOTA  
HENNEPIN COUNTY

DISTRICT COURT  
FOURTH JUDICIAL DISTRICT

STATE OF MINNESOTA  
v.

COURT FILE: 27- \_\_\_\_\_

**Petition to Enter Plea of Guilty in Misdemeanor or Gross Misdemeanor Case  
Pursuant to Rule 15**

TO THE ABOVE-NAMED COURT:

I choose to plead guilty and state the following:

1. I am the Defendant in this case. My full name is \_\_\_\_\_,  
and my date of birth is \_\_\_\_\_.

2. I am charged with (list all counts):

<u>Count</u>	<u>Name of Offense</u>	<u>Statute/Ordinance</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

3. I am pleading guilty to (indicate if amended):

<u>Count</u>	<u>Name of Offense</u>	<u>Statute/Ordinance</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

4. Per the plea agreement, the remaining counts will be dismissed, as will the following files:

Court File Numbers:

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5. I understand that the maximum possible sentence for any gross misdemeanor offense to which I am pleading guilty is 364 days imprisonment or a fine of \$3,000 or both, the maximum possible sentence for any misdemeanor offense to which I am pleading guilty is imprisonment for 90 days or a fine of \$1,000 or both, and the maximum possible sentence for any petty misdemeanor offense to which I am pleading guilty is a \$300 fine and applicable surcharges.

6. ☐ I understand this offense is enhanceable. I understand this conviction will be used to make a future offense of this nature more serious resulting in an increased offense level and more severe consequences.

7. I am pleading guilty because on \_\_\_\_\_ (date), in the City of \_\_\_\_\_, County of Hennepin, State of Minnesota, I committed the following acts (state sufficient facts to establish a factual basis for all elements of the offense(s) to which I am pleading guilty):

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8. RIGHT TO AN ATTORNEY. I understand that I have the right to be represented by an attorney and that an attorney will be appointed to represent me without cost to me if I cannot afford to pay for an attorney.

9. ☐ I have fully discussed the charge(s), any enhanceability that applies, my constitutional rights, and this petition with my attorney, \_\_\_\_\_ (name of attorney).

OR

☐ WAIVER OF ATTORNEY. I give up my right to be represented by an attorney and any right I might have to request that an attorney be appointed to represent me.

10. I understand that I also have the following constitutional rights which I knowingly and voluntarily give up:

- a. The right to a trial to the court or to a jury in which I am presumed innocent until proven guilty beyond a reasonable doubt and in which all jurors in a jury trial must agree I am guilty before the jury could find me guilty.
- b. The right to confront and cross-examine all witnesses against me.
- c. The right to remain silent or to testify for myself.
- d. The right to subpoena and present witnesses to testify for me in my defense.
- e. The right to a pretrial hearing to contest the admissibility at trial of any confessions or admissions or of any evidence obtained from a search and seizure.

11. I am pleading guilty freely and voluntarily and without any promise except as indicated in number 12 below.

12. I am pleading guilty based on the following plea agreement with the prosecutor (include time stayed/executed, length and conditions of stay, whether PSI required):

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- a. If not specified for a stayed sentence, I understand the Court will determine whether probation will be to the Department of Community Corrections and Rehabilitations (DOCCR) or to the Court.
- b. Additional terms of the agreement (address all that apply):
  - Jail Credit as of \_\_\_\_\_(days): \_\_\_\_\_(date)
  - Fine: \_\_\_\_\_
  - Prosecution Costs: \_\_\_\_\_
  - Report Date for ACF/EHM: \_\_\_\_\_
  - Deadline for STS/CWS: \_\_\_\_\_
  - Other: \_\_\_\_\_

13. ☐ I agree to pay restitution in the amount of \$ \_\_\_\_\_ or in an amount not to exceed \$ \_\_\_\_\_.

OR

- ☐ I agree to pay restitution, but there is not an agreed-upon amount. Restitution will be reserved for 45 days. My income, resources, and obligations include:

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14. ☐ I request to have my cash bail of \$ \_\_\_\_\_ applied to any restitution, fine, surcharge, or prosecution costs, with any remaining to be refunded.

OR

- ☐ I request for my cash bail to be fully refunded.

15. I understand that if the court does not approve this agreement, I have the right to withdraw my plea of guilty and have a trial.

16. I understand that I have the right to be present when my plea is entered and I knowingly and voluntarily give up that right.

17. I understand that if this plea of guilty is accepted, I have the right to be present at the time of sentencing and to speak and to present evidence on my behalf.

- a. ☐ I knowingly and voluntarily give up my right to be present at the time of sentencing and request that the court sentence me in my absence according to any plea agreement that might be contained in this petition.

18. I understand that if I am not a citizen of the United States, my plea of guilty or admission of facts related to this offense may result in deportation, exclusion from admission to the United States, or denial of naturalization as a United States citizen.

19. I understand that I have the right to receive advice from a lawyer about the specific impact that this case will have, if any, on my immigration status. I do not need additional time to discuss this with a lawyer.

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

\_\_\_\_\_  
Signature of Defendant

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

Phone: \_\_\_\_\_

Email: \_\_\_\_\_

I, \_\_\_\_\_, am the attorney for the Defendant and I personally explained the contents of this petition to the Defendant.

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

\_\_\_\_\_  
Attorney for Defendant

Email: \_\_\_\_\_

I, \_\_\_\_\_, am the prosecutor and this document accurately represents the agreement between the parties.

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

\_\_\_\_\_  
Attorney for the City of \_\_\_\_\_

Email: \_\_\_\_\_