

STATE OF MINNESOTA
COUNTY OF WASHINGTON

DISTRICT COURT
TENTH JUDICIAL DISTRICT

***POLICY AND ORDER
REGARDING
PLEA PETITIONS FOR
MISDEMEANOR AND GROSS
MISDEMEANOR OFFENSES***

WHEREAS, on March 20, 2020, in recognition of an ongoing state of emergency and to limit gatherings in public locations, the Minnesota Supreme Court issued an Administrative Order ("MSCAO") suspending in-person court administration services and limiting access to all courtrooms to court staff, judicial officers, and others whose presence is required for scheduled court proceedings; and

WHEREAS, on May 1, 2020, the Minnesota Supreme Court issued a second Administrative Order extending the provisions set forth in its March 20, 2020 MSCAO; and

WHEREAS, on May 15, 2020, the Minnesota Supreme Court issued a third Administrative Order superseding its May 1, 2020 Administrative Order and replacing it with Order Governing the Operations of the Minnesota Judicial Branch Under Emergency Executive order Nos. 20-53, 20-56; and

WHEREAS, it is necessary to make efforts to protect the public, as well as court participants and staff pursuant to the MSCAO, to ensure that only persons who have essential business enter the courthouse, while ensuring individual constitutional rights are preserved; and

WHEREAS, it has been determined that the Judicial Branch is now in a transitional phase that will require additional time to design, approve, and implement strategies to safely expand access to the courthouse and process the burgeoning case backlog; and

WHEREAS, consistent with the Rules of Criminal Procedure, defendants are permitted to waive a personal appearance including plea and sentencing hearings; and

WHEREAS, in order to promote a uniform process for filing and accepting plea petitions, and issuing corresponding sentencing orders, it is appropriate and proper to adopt a temporary policy addressing this issue.

NOW, THEREFORE, IT IS HEREBY ORDERED EFFECTIVE IMMEDIATELY:

1. The attached Temporary Plea Petition Policy ["Policy"] is adopted for all misdemeanor and gross misdemeanor plea petitions filed in Washington County, Minnesota.
2. Unless authorized by the judge assigned to review the plea petition, there will be no in-person plea or sentencing hearings for misdemeanor and gross misdemeanor offenses.
3. This procedure shall remain in effect until further order of this Court.

BY THE COURT:

IT IS SO ORDERED.

Dated: May 19th, 2020

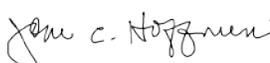

Freeman, Juanita
(Judge)
2020.05.19
15:15:44 -05'00'

Juanita C. Freeman
Judge of District Court



Hannon, Mary (Judge)
May 19 2020 3:18 PM

Mary E. Hannon
Judge of District Court


Hoffman, John
(Washington Judge)
2020.05.19 17:10:51
-05'00'

John C. Hoffman
Judge of District Court



Jude, Thaddeus (Judge)
2020.05.19 15:43:50 -05'00'

Tad V. Jude
Judge of District Court


Meslow, Douglas
(Judge)
2020.05.19 15:36:21
-05'00'

Douglas B. Meslow
Judge of District Court

Judge Gregory G. Galler

Gregory, Gregory
May 19 2020 5:35 PM

Gregory G. Galler
Judge of District Court



Hawley, Sheridan (Judge)
2020.05.19 15:11:11
-05'00'

Sheridan K. Hawley
Judge of District Court


Ilkka, Richard (Judge)
2020.05.20 11:45:38
-05'00'

Richard C. Ilkka
Judge of District Court



Maas, Ellen
(Washington Judge)
2020.05.19 15:19:21
-05'00'

Ellen L. Maas
Judge of District Court



Pietan, Laura (Judge)
May 20 2020 2:30 PM

Laura A. Pietan
Judge of District Court

Plea Petition Policy - Temporary Pandemic

Authority: The Court may excuse a Defendant from any court appearance in a misdemeanor or gross misdemeanor matter except for a trial on a gross misdemeanor offense. (Crim. Pro. R. 26.03, subd. 1.)

A guilty plea petition may be filed in lieu of a court appearance for any misdemeanor or gross misdemeanor offense, and defendants may waive their right to be present for sentencing, subject to the following terms and requirements.

Types of Plea Agreements and Filing Requirements:

- Fully Negotiated - all terms agreed upon by parties.
 1. The plea petition must be signed by Defendant and attorneys and include current contact information for Defendant, including home address, cell phone number, and email address.
 2. If the plea is to an enhanceable offense, the plea petition must include acknowledgment of increased penalties for any future offenses.
 3. Apart from basic probationary conditions, the plea petition must identify specific terms of probation, executed fines and jail, method of serving jail, and include jail credit.
 4. Defendant must WAIVE right to be present for sentencing.

- Partially Negotiated- charge(s) agreed upon but not all terms of disposition.
 1. The plea petition must be signed by Defendant and attorneys and include current contact information for Defendant, including home address, cell phone number and email address.
 2. If plea is to an enhanceable offense, the plea petition must include acknowledgment of increased penalties for any future offenses.
 3. Apart from basic probationary conditions, the plea petition must identify specific terms of probation, executed fines and jail, method of serving jail, and include jail credit.
 4. The plea petition shall indicate "Partial Agreement" and briefly outline which term(s) of the disposition are not in agreement.
 5. Defendant must WAIVE right to be present for sentencing.

- Straight Up - plea to all charge(s) with no agreement on disposition.
 1. The plea petition signed by Defendant and defense counsel and include current contact information for Defendant, including home address, cell phone number and email address.
 2. If the plea is to an enhanceable offense, the plea petition must include acknowledgment of increased penalties for any future offenses.
 3. Indicate "No Agreement – Straight Plea" in the plea petition.
 4. Defendant must WAIVE right to be present for sentencing.

- Other:

1. Either party (or a victim consistent with the rules) may request that the matter be set for a sentencing hearing, which will be scheduled consistently with any current calendaring policy. To the extent possible, the hearing may proceed via ITV or VMR.
2. For any offense for which there is an identifiable victim, the State shall include the victim's input regarding the plea agreement or a statement that the victim either cannot be reached for input or has no input regarding the plea agreement.
3. For plea agreements involving no contact orders, include the name of the protected person and/or the specific address from which Defendant is excluded.