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State of Minnesota
Dakota County

District Court
First Judicial District

Court File Number: **19HA-CR-10-829**
Case Type: Crim/Traf Mandatory

Notice of Filing of Order

RYAN PATRICK GARRY
NORTH GRAIN EXCHANGE
301 SOUTH 4TH AVENUE
SUITE 285
MINNEAPOLIS MN 55415

State of Minnesota vs ~~AKKEDDO MXXXX~~

You are notified that an order was filed on 7/13/11.

Dated: July 14, 2011

~~XXXXXXXXXX~~
Court Administrator
Dakota County District Court
1560 Highway 55
Hastings MN 55033
651-438-8100

cc: ~~XXXXXXXXXXXXXXXXXXXX~~
~~XXXXXXXXXXXX~~
MINNESOTA ATTORNEY GENERAL
BCA
DAKOTA COUNTY SHERIFF'S OFFICE
DCCC
FEDERAL BUREAU OF INVESTIGATION
UNITED STATES DRUG ENFORCEMENT AGENCY

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF DAKOTA

FIRST JUDICIAL DISTRICT

~~XXXX~~ ~~XXXX~~
Alfred M. [redacted]

Petitioner,

**FINDINGS OF FACT, CONCLUSIONS
OF LAW, AND ORDER TO EXPUNGE/
SEAL CRIMINAL RECORDS**

Court File No. 19HA-CR-10-829

vs.

Dakota County Court Administrator;
Dakota County Sheriff's Office;
Dakota County Attorney's Office;
Dakota County Drug Task Force;
Drug Enforcement Administration (DEA);
Federal Bureau of Investigation (FBI);
Bureau of Criminal Apprehension; and
Minnesota Attorney General

FILED DAKOTA COUNTY
~~XXXX~~ Court Administrator

JUL 13 2011

Respondents.

The above-referenced matter came before the undersigned judge on a Petition for Expungement on July 13, 2011, at the Dakota County District Court, 1560 Highway 55, Hastings, Minnesota 55033.

Based on the arguments of the parties, the entire file herein, this Court makes the following:

FINDINGS OF FACT

1. Petitioner was charged with Controlled Substance Crime in the First Degree (Sale) on July 8, 2009.
2. On November 19, 2010, the above charges were "dismissed" by the Dakota County Attorney's Office.
3. A Petition for Expungement was properly filed on March 15, 2011. The Petitioner has given proper notice to all parties and agencies as required in Minnesota Statute § 609A.03, subd. 3.
4. This case was resolved in the Petitioner's favor; therefore, the Petitioner is entitled to an expungement under Minnesota "Statute Chapter 609A-

5. There is not an infringement of the Petitioner's constitutional rights.
6. The benefit to the Petitioner of receiving an expungement is that he will be better able to secure employment appropriate for his education, skills, and experience. he public will also benefit in that Petitioner will be more likely to provide for himself and his family without public assistance.
7. There is a strong public interest in maintaining accurate public records. However in this case, Petitioner was charged with a crime he did not commit.
8. There is evidence that 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.
9. If Petitioner's expungement is not extended to certain agencies within the executive branch, he will not receive an effective or meaningful remedy. An order to prevent such an unjust result is necessary for the judiciary to protect its strength, to prevent its independence from being undermined, and to vindicate the Petitioner's legal rights.

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) (citing *R.L.F.*, 256 N.W.2d at 807-08). 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 (citing *State v. C.A.*, 304 N.W.2d at 358).
2. District courts also have the inherent judicial authority to expunge executive branch records in "appropriate circumstances." *State v. S.L.H.*, 755 N.W.2d 271, 276 (Minn. 2008); *State v. C.A.*, 304 N.W.2d at 358. The courts must "proceed cautiously" in exercising this authority in view of the doctrine of separation of powers. *State v. S.L.H.*, 755 N.W.2d at 276; *State v. C.A.*, 304 N.W.2d at 358-59. However, the exercise of this authority is appropriate when such relief "is essential to the existence, dignity, and function of a court." *State v. S.L.H.*, 755 N.W.2d at 275, 282; *State v. C.A.*, 304 N.W.2d at 358. Included in these essential functions is the ability "to vindicate a petitioner's legal rights" or "to protect the judiciary's strength and independence." *State v. V.A.J.*, 744 N.W.2d 674, 677 (Minn. App. 2008) (pet. denied Oct. 1, 2008) (citing *In re Clerk of Lyon County*

Courts' Comp., 241 N.W.2d 781, 784 (Minn. 1976)). This includes an order "sealing records controlled by other branches of government when doing so is necessary or conducive to providing a meaningful remedy for the petitioner." *Id.* At 676.

ORDER

1. Petitioner's request is **GRANTED**.
2. All records concerning the above-entitled matter, including records of arrest, citation, and charges, relative to the offenses shall be sealed by the agencies listed in paragraph 3.
3. The Dakota County District Court Administrator shall notify the Dakota County Attorney's Office, the Drug Enforcement Administration, the Bureau of Criminal Apprehension, the Minnesota Attorney General, the Dakota County Sheriff, the Dakota County Drug Task Force, and the Commissioner of Human Services, that they 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. In furtherance of C.A. 's directive to "proceed cautiously," this Order, even though pursuant to the inherent authority of the Court, 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.

BY THE COURT:

Dated: July 13, 2011


