

STATE OF MINNESOTA
COUNTY OF HENNEPIN

FILED
11 MAY 10 AM 7:37
DISTRICT COURT
FOURTH JUDICIAL DISTRICT

State of Minnesota,

Plaintiff/Respondent,

vs.

Defendant/Petitioner.

**FINDINGS OF FACT,
CONCLUSIONS OF LAW,
AND ORDER GRANTING
EXPUNGEMENT**

Date of Birth: 01/01/1986

Case Number: 27-CR-09- 0004

The above-entitled matter came before the Honorable _____ on March 4, 2011, on a Petition for Expungement at the Hennepin County Government Center, 300 South Sixth Street, Minneapolis, MN 55487.

Ryan Garry, Esq., appeared for the Petitioner, who was also present.

The Minnesota Bureau of Criminal Apprehension and Minnesota Attorney General's Office were served but did not respond to the Notice of Hearing and Petition for Expungement related to this matter.

The Edina City Attorney's Office was served but did not respond to the Notice of Hearing and Petition for Expungement related to this matter.

There were no other appearances.

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

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. Petitioner was charged with gross misdemeanor criminal abuse of a vulnerable adult on July 8, 2009.
2. The abovementioned case was dismissed on November 15, 2010.
3. Minnesota Statutes Chapter 609A allows for expungement of criminal records in the following circumstances: 1) certain controlled substance offenses; 2)

juveniles prosecuted as adults; or 3) certain proceedings not resulting in a conviction where "all pending actions or proceedings were resolved in favor of the petitioner." Minn. Stat. §609A.02.

4. Proper notice has been given in this case, including notice to any victim if required.

5. Petitioner was not convicted of an offense requiring registration under Minn. Stat. Sec. 243.166.

6. The above referenced case was resolved in favor of Petitioner.

7. In cases resolved in Petitioner's favor, the petitioner is presumptively entitled to expungement unless the agency or jurisdiction whose records would be affected establishes by clear and convincing evidence that the interests of the public and public safety outweigh the disadvantages to the petitioner of not sealing the record. Minn. Stat. §609A.03, subd. 5(b).

8. The law enforcement agencies or jurisdictions whose records would be affected have not established by clear and convincing evidence that the interests of the public and public safety outweigh the disadvantages to the Petitioner of not sealing the record, as required in Minn. Stat. § 609A.03, subd. 5(b).

ORDER

1. Petitioner's request for sealing of records is **GRANTED**.

2. The records concerning the above entitled matter, records of arrest, citation, charges and all other records relative to the offenses shall be sealed.

3. The Hennepin County District Court Administrator shall seal all files and records relating to the offenses, and refrain from disclosing or revealing the contents thereof without a court order. References to Petitioner should be removed from all index books and computers open to public examination under the caption of these cases or as it relates to the cases.

4. The Minnesota Bureau of Criminal Apprehension Superintendent, Hennepin County Sheriff, Hennepin County Department of Community Corrections Director and Edina Police Chief, shall seal Petitioner's fingerprints, photographs and other identification data taken in connection with the offenses; said officials shall remove

references to Petitioner from all index books, computer systems and/or any other listing of arrests or charges as they relate to the case (except strictly internal records). Said officials shall seal all other files and records concerning the cases and shall refrain from disclosing to anyone without court order the fact that Petitioner was charged in connection with the case.

5. The Hennepin County Attorney, Edina City Attorney and Minnesota Attorney General shall seal all files and records relating to the offense, refrain from disclosing to anyone without court order the fact that Petitioner was charged in connection with the case.

6. This Order is subject to the limitations set forth in Minn. Stat. §609A.03.

7. The court administrator shall send a copy of this Order to each agency and jurisdiction whose records are affected.

NOTE: THIS ORDER IS STAYED FOR 60 DAYS, AND DURING ANY APPEAL. RECORDS WILL NOT BE SEALED UNTIL AFTER THIS TIME.

Dated: _____

5/2/11

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Certified to be a true and correct copy of the original on file and of record in my office.

MARK S. THOMPSON, Court Administrator

By *Mark S. Thompson* Deputy