

State of Minnesota
Washington County

RECEIVED JUL 19 2010

District Court
Tenth Judicial District

Court File Number: **82-CR-09-553**

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 S [REDACTED] M [REDACTED] W [REDACTED]

You are notified that an order was filed on this date.

Dated: June 11, 2010

[REDACTED]
Court Administrator
Washington County District Court
14949 - 62nd St. N; PO Box 3802
Stillwater MN 55082
651-430-6263

A true and correct copy of this notice has been served by U.S. Mail upon the following parties at the last known postal address of each.

Enclosure(s)

cc: Bureau of Criminal Apprehension
Minnesota Attorney General
Oakdale Police
Oakdale Prosecutor
Washington County Sheriff
Washington County Attorney

STATE OF MINNESOTA
COUNTY OF WASHINGTON

FILED

File # _____
WASHINGTON COUNTY
DISTRICT COURT

JUN 11 2010

COURT ADMINISTRATOR
By RL Deputy

FILED

DISTRICT COURT

TENTH JUDICIAL DISTRICT

S. M. W.

Petitioner,

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

Court File No. 82-CR-09-553

vs.

Washington County Court Administrator;
Washington County Sheriff;
Washington County Attorney;
Oakdale Chief of Police;
Oakdale City Attorney;
Bureau of Criminal Apprehension; and
Minnesota Attorney General.

Respondents.

The above-entitled matter came before the undersigned Judge, on ^{June 11} ~~May 24~~, 2010 at 9:30 a.m., pursuant to Petitioner's Notice of Motion and Motion and Petitioner's Petition for Expungement/Sealing of the arrest record, criminal history record, all identification information, and all records of Petitioner's arrest and subsequent charges of First Degree Criminal Sexual Conduct pursuant to Minn. Stat. § 609.342.1(e)(i) and Third Degree Criminal Sexual Conduct pursuant to Minn. Stat. § 609.344.1(c) arising on or about January 15, 2009. The charges were ultimately dismissed by the prosecuting attorney in the interests of justice on April 20, 2009.

Ryan P. Garry, Esq. appeared on behalf of Petitioner. *There was no appearance by any other party.*
The following parties appeared on behalf of the Respondents:

EHM

EHM

Based upon the arguments of counsel, together with all the files, records, affidavits and proceedings herein, the Court now makes the following:

FINDINGS OF FACT

1. On or about January 15, 2009, Petitioner was arrested and charged with First Degree Criminal Sexual Conduct and Third Degree Criminal Sexual Conduct.
2. On April 20, 2009 all actions and proceedings were resolved in favor of the Petitioner and the complaint against Petitioner was dismissed by the prosecuting attorney in the interests of justice.

CONCLUSIONS OF LAW

1. There are two legal bases for the expungement of criminal records: Minnesota Statutes Chapter 609A and a Court's inherent authority. *State v. Ambaye*, 616 N.W.2d 256, 257 (Minn. 2000).
2. Minnesota Statutes Chapter 609A allows for the 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.
3. In the situations listed in Minn. Stat. § 609A.02, 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).

ORDER

1. Petitioner's request 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 Washington County District 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. The Minnesota Bureau of Criminal Apprehension Superintendent, Washington County Sheriff, Washington County Department of Community Corrections


Director and Oakdale 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 and/or any other listings of arrests or charges as they relate to the cases (except strictly internal records); said officials shall seal all other files and records concerning the cases; and said officials shall refrain from disclosing to anyone without Order of this Court the fact that Petitioner has been charged in connection with the cases.

5. The Washington County Attorney, Oakdale City Attorney and Minnesota Attorney General shall seal all files and records relating to the offenses, and refrain from disclosing to anyone without order of this Court the fact that Petitioner has been charged in connection with the cases.
6. This Order is subject to the limitations set forth in Minn. Stat. § 609A.03.
7. 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 file, this Order is stayed during the pendency of that appeal.

BY THE COURT:

Date: June 11, 2010

E.H. Martin

The Honorable 
Judge of Washington County District Court