



## Tip of the Month March 2019

### How to Read a Register of Actions (ROA) for Criminal Expungement Purposes

Submitted by: John Beutler  
Volunteer Lawyers Network

A Register of Actions (ROA) is a document that details the timeline and events of a criminal or civil case. Every case that reaches a Minnesota court will have a ROA, although the length and details will vary case by case. Understanding a ROA is particularly important when assessing whether a case qualifies for criminal expungement, as well as when completing an expungement petition. To find the ROA of a given case, you'll want to use the Minnesota District Court Case Search Tool, located at <http://www.mncourts.gov/Access-Case-Records.aspx>. When searching for a case, we recommend searching by case number. While you can search using a person's first and last name, those results will omit dismissed or currently open cases.

Using the example ROA below, this tip will walk you through how to read and understand a common ROA. To start, we've outlined some terms that appear throughout. These definitions were taken directly from the Minnesota Courts website and can be found in Chapter 609 of the Minnesota Criminal Code:

- **Continuance for dismissal:** An agreement between the prosecutor and the defendant to not move forward with prosecution of a criminal case for a set amount of time. If the defendant follows the terms of the agreement and does not get any new criminal charges within the agreed-upon time, then the case will be dismissed.
- **Conviction:** To be found guilty of a crime through a guilty plea or by a jury or judge after trial.
- **Dismissal:** The ending of a criminal case prior to trial or verdict that stops the proceedings against the defendant.
- **Diversions Program:** A program that refers certain defendants (for example, those with no prior criminal history, no prior diversion, no prior felonies, not a violent criminal offense, etc.) before trial to community programs such as job training or education which, if successfully completed, may lead to dismissal of the criminal case.
- **Felony:** A serious crime punished by imprisonment for a period of more than one year.
- **Gross Misdemeanor:** A crime punished by imprisonment for a period between 91 and 365 days and/or a fine up to \$3,000.
- **Misdemeanor:** A crime punished by imprisonment of less than 90 days and/or a fine up to \$1,000.
- **Petty Misdemeanor:** An act punished by a fine not more than \$300 that is not considered to be a crime.
- **Probation:** A court-ordered penalty as part of a criminal sentence where the defendant has to follow set conditions to prevent future criminal behavior. Probation may be supervised or unsupervised.
- **Stay of Adjudication:** Occurs following a guilty plea when the court withholds entering a conviction if the defendant follows certain conditions (for example, probation, community service, fines, treatment, restitution, etc.). If the defendant successfully completes these conditions, the criminal case is dismissed.

- **Stay of Imposition:** Occurs following a guilty plea to a particular level of offense. If the defendant agrees to follow certain conditions (for example, probation, community service, fines, treatment, restitution, etc.) and successfully completes the conditions, the conviction is dropped to a lower level (for example, Gross Misdemeanor to Misdemeanor). If the defendant does not successfully complete the conditions, the court can vacate the stay of imposition.

**The following numbers correspond to the numbers located on the example ROA below:**

1. Case Number (i.e. Court File Number): For criminal expungement purposes, you will be filing all documents into the existing criminal case number.
2. Charges: There can be multiple charges under a single case number, some resulting in a dismissal and others in a conviction. For expungement, we seek to seal entire cases and not individual charges. For instance, in this case, there are 3 separate charges, listed as 1, 2, and 3. If we sought expungement of the disorderly conduct conviction, we would also be seeking expungement of the two other charges in the case. Since judges will rarely bifurcate charges, it's important to confirm that all charges within a case qualify before seeking expungement.
3. MN statute or ordinance corresponding to each charge: For felony convictions, check that the statute listed is one of the enumerated felony statutes that qualify for expungement pursuant Minnesota Statute 609A.02. For some cases, especially felony theft cases, whether the charge will qualify for expungement will depend on how the defendant was sentenced, which may not match the statute listed in this section.
4. Level or degree of the original charge: Can range from a petty misdemeanor (non-criminal offense) to a felony level charge. Please note that the resulting conviction level may not always match the level of the original charge (see #6). This is common for stays of imposition and cases where misdemeanors are sentenced as petty misdemeanors.
5. Date the incident occurred.
6. Date of the final disposition (on the left) and final disposition of each charge (on the right): Common final dispositions include conviction, dismissal, stay of adjudication, diversion, dismissal with conditions met or expired, or a pending disposition (if case is still open). For charges where the level of conviction does not match the level of the original charge (#4), the ROA will typically outline the resulting level of conviction and the reason why the level of conviction is lower (e.g. "convicted, conviction deemed a misdemeanor pursuant MN Statute 609.13"). If a dismissal disposition is followed by language explaining the reason for the dismissal (e.g., "dismissed, conditions met or expired") this is generally an indication that the defendant made a deal with the prosecution to have the charges dismissed after the successful completion of a probationary period.
7. Initial plea entered for each charge: Common options include guilty, not guilty, none, or sometimes will not be listed. Here, we see the defendant originally pleaded not guilty to all three charges. Please note that pleas can change throughout the course of a case and often do due to plea agreements.
8. Original disposition for each charge: Common options include guilty, convicted, dismissed, not guilty, or some type of stay or diversion. Just as with pleas, dispositions can be amended throughout the course of a case, most commonly due to the successful completion of probation or a probation violation. Amendments to dispositions will be found farther down the ROA, with the final disposition (#6) typically noting the final outcome/result.
9. Amended plea for charges 2 and 3: This is the result of the defendant either deciding to change their plea or, more commonly, accepting a plea agreement. When viewed in conjunction with #8 and #10 above, it appears this defendant entered into a plea agreement to have charge 1 dismissed in exchange for a guilty

plea to charge 2 and a guilty plea with stay of adjudication for charge 3. If you want to confirm whether your reading of the ROA is correct, you can access plea agreements and sentencing documents at any Minnesota courthouse.

- 10. Sentencing for the guilty plea to charge 2:** Here, we can see that the defendant was sentenced to a 1-year “remain law-abiding” probation, a fine, and community service. At the top of the next page (at 10 con’t), we see the “local confinement” portion which shows a 30-day sentence at the Hennepin County Workhouse which was stayed for a period of 1 year. Taken together, item 10 shows that this defendant was sentenced to a 1-year probation, a \$1,075 fine, and 48 hours of community service. If the defendant were to commit a probation violation, they could be subject to serving the 30-day sentence at the workhouse.

*A note about “probation discharge” and “closed” dates.* In some cases, the listed “closed” date may incorrectly imply that the discharge date was later than it really was. This discrepancy between the dates is usually the result of a delay on the court’s part. If the “closed” date listed is later than the terms of the probation period, check to see if there was a probation violation. If there was no violation, then it’s likely that probation successfully ended according to the terms outlined during sentencing – this is the discharge date you should use for purposes of expungement. If there was a violation, you will want to check if there was an amended sentence and whether it altered the probationary period. Alternatively, if the “closed” date is earlier than the one listed within the terms, it is likely the defendant was discharged from probation early. This earlier date will be the date of discharge for purposes of expungement.

- 11. Stay of adjudication terms for charge 3.** Here, we see the defendant was given a 1-year “remain law-abiding” requirement and some fees. We don’t see a stay for a confinement requirement because technically the defendant’s guilt has yet to be adjudicated and a prison sentence cannot be imposed. The 1-year “remain law-abiding” requirement is a probationary period, which if successfully completed, will result in the case being dismissed. If the defendant were to commit a probation violation, he or she could be adjudicated guilty and face a prison sentence.
- 12. Amended disposition for charge 3:** We can see here that this amendment occurred on 5/26/2007, exactly one year after the sentences were handed down. Because the charged was dismissed and the conditions met or expired, we can tell the defendant successfully completed their probation.
- 13. Chronological list of events and hearings** that took place during this criminal case.
- 14. Fees/Fines:** Here, you can see what fees or fines incurred by the defendant throughout the case, how much has been paid, and how much remains outstanding, if any. Check this section to confirm the petitioner has taken care of all fines and fees before seeking expungement of that case.

This is only one example of a ROA. Each case has its own ROA and while most will have common aspects, each can be slightly different. If you have questions about reading a criminal ROA while serving a VLN client, please reach out to John Beutler, VLN’s Criminal Expungement Resource Attorney, at 612-752-6659 or [john.beutler@vlnmn.org](mailto:john.beutler@vlnmn.org).

*Submitted by John Beutler, Criminal Expungement Resource Attorney, VLN, March 2019*

**1 REGISTER OF ACTIONS**  
**CASE NO. 27-CR-05-080138**

State of Minnesota vs FRED SMOOT

§ Case Type: **Crim/Traf Mandatory**  
 § Date Filed: **12/15/2005**  
 § Location: **Hennepin Criminal/Traffic/Petty Ridgedale**  
 §

**PARTY INFORMATION**

**Defendant** **SMOOT, FRED**  
 EDEN PRAIRIE, MN 55346

Male  
 DOB: 04/17/1979

**Lead Attorneys**  
**DAVID L VALENTINI**  
 Retained  
 612-341-0900(W)

**Jurisdiction** **State of Minnesota**

**CASE INFORMATION**

<b>2</b>	<b>Charges: SMOOT, FRED</b>			
	<b>1. INDECENT CONDUCT-OPEN OR GROSS LEWDNESS</b>	<b>3 Statute</b> 617.23S1(3)	<b>4 Level</b> Misdemeanor	<b>5 Date</b> 10/06/2005
	<b>2. DISORDERLY CONDUCT</b>	609.72S1(3)	Misdemeanor	10/06/2005
	<b>3. PUBLIC NUISANCE ON A WATERCRAFT</b>	LMCD3.01S23	Misdemeanor	10/06/2005
		<b>6 Disposition</b>		
				05/26/2006 Dismissed
				05/26/2006 Convicted
				05/26/2007 Dismissed, Conditions Met

<b>DISPOSITIONS</b>	
<b>7</b>	01/03/2006 <b>Plea</b> (Judicial Officer: Wieland, Lucy A.) 1. INDECENT CONDUCT-OPEN OR GROSS LEWDNESS Not guilty
	01/03/2006 <b>Plea</b> (Judicial Officer: Wieland, Lucy A.) 2. DISORDERLY CONDUCT Not guilty
	01/03/2006 <b>Plea</b> (Judicial Officer: Wieland, Lucy A.) 3. PUBLIC NUISANCE ON A WATERCRAFT Not guilty
<b>8</b>	05/26/2006 <b>Disposition</b> (Judicial Officer: Lynn, Robert H.) 1. INDECENT CONDUCT-OPEN OR GROSS LEWDNESS Dismissed
	05/26/2006 <b>Disposition</b> (Judicial Officer: Lynn, Robert H.) 2. DISORDERLY CONDUCT Convicted
	05/26/2006 <b>Disposition</b> (Judicial Officer: Lynn, Robert H.) 3. PUBLIC NUISANCE ON A WATERCRAFT Stay of adjudication
<b>9</b>	05/26/2006 <b>Amended Plea</b> (Judicial Officer: Lynn, Robert H.) Reason: Amend 2. DISORDERLY CONDUCT Guilty
	05/26/2006 <b>Amended Plea</b> (Judicial Officer: Lynn, Robert H.) Reason: Amend 3. PUBLIC NUISANCE ON A WATERCRAFT Guilty
<b>10</b>	05/26/2006 <b>Sentenced</b> (Judicial Officer: Lynn, Robert H.) 2. DISORDERLY CONDUCT 10/06/2005 (MSD) 609.72S1(3) (CNVOFFENSE)
Condition - Adult: 1. Remain law-abiding, 05/26/2006 - 05/26/2007, , , Closed 05/26/2007 Comment: - CLOSED: 05/26/2007  Fees - Adult: (Grand Total: \$1,075.00) Due 05/26/2006 Fine: \$1,000.00 Fees: (Fees Total: \$75.00) Criminal Surcharge: \$72.00 Law Library: \$3.00 Comment: DUE DATE:05/26/06 (MATT 05/26/06)  Service - Adult:	

10 cont

Type: Community Service  
48 Hours For 2 Days  
Start: 05/26/2006 Due: 08/24/2006  
Comment: COMMUNITY SERVICE  
Status: Closed 05/26/2007

Local Confinement:

Agency: Hennepin County Workhouse - Adult Corrections  
Term: 30 Days  
Stay 30 Days For 1 Yr  
Status: Closed 05/26/2007

Level of Sentence:

Level Of Sentence Unavailable/ Sentenced

11

05/26/2006

**Continued** (Judicial Officer: Lynn, Robert H.)  
3. PUBLIC NUISANCE ON A WATERCRAFT  
10/06/2005 (MSD) LMCD3.01S23 (LMCD)

Condition - Adult:

1. No same or similar, 05/26/2006 - 05/26/2007, , , Closed 05/26/2007  
Comment: - CLOSED: 05/26/2007

Fees - Adult: (Grand Total: \$1,000.00)

Due 05/26/2006  
Fine: \$0.00  
Fees: (Fees Total: \$1,000.00)  
Prosecution Costs: \$1,000.00

12

05/26/2007

**Amended Disposition** (Judicial Officer: Lynn, Robert H.) Reason: Amend  
3. PUBLIC NUISANCE ON A WATERCRAFT  
Dismissed, Conditions Met or Expired

13

12/15/2005

**OTHER EVENTS AND HEARINGS**

**Converted SIP Activity** (Judicial Officer: Holahan, John L. )

05/11/2006

**Memorandum**

05/11/2006

**Converted SIP Activity**

05/17/2006

**Converted SIP Activity** (Judicial Officer: Lynn, Robert H. )

05/17/2006

**CANCELED Hearing** (8:45 AM) (Judicial Officer Lynn, Robert H.)

*Other*

Result: Cancelled

05/26/2006

**Converted SIP Activity**

05/26/2006

**Petition to Enter Guilty Plea**

05/26/2006

**Converted SIP Activity** (Judicial Officer: Lynn, Robert H. )

05/26/2006

**Petition to Enter Guilty Plea**

05/26/2006

**Converted SIP Activity** (Judicial Officer: Lynn, Robert H. )

05/26/2006

**Converted SIP Activity**

05/26/2006

**Plea Hearing** (1:35 PM) (Judicial Officer Lynn, Robert H.)

Result: Held

05/30/2006

**Converted SIP Activity** (Judicial Officer: Lynn, Robert H. )

05/30/2006

**CANCELED Jury Trial** (9:00 AM) (Judicial Officer Lynn, Robert H.)

*Other*

Result: Cancelled

07/19/2006

**Memorandum**

07/19/2006

**Converted SIP Activity**

FINANCIAL INFORMATION

14

**Defendant** SMOOT, FRED  
Total Financial Assessment  
Total Payments and Credits  
**Balance Due as of 07/21/2015**

2,075.00  
2,075.00  
**0.00**

05/26/2006

Transaction Assessment

Receipt # 0508013820060526133502PYF0P

SMOOT, FRED

1,000.00

05/26/2006

Converted Payment

(1,000.00)

05/26/2006

Transaction Assessment

3.00

05/26/2006

Converted Payment

Receipt # 0508013820060526133502PYLLP

SMOOT, FRED

(3.00)

05/26/2006

Transaction Assessment

72.00

05/26/2006

Converted Payment

Receipt # 0508013820060526133502PYS0P

SMOOT, FRED

(72.00)

05/26/2006

Transaction Assessment

1,000.00

05/26/2006

Converted Payment

Receipt # 0508013820060526133503PYPCP

SMOOT, FRED

(1,000.00)

