

See Instructions (EXP101) for help in filling out this form.

State of Minnesota

District Court

County of: Hennepin

Court File Number: 27-CR-12-3123123

Judicial District: Fourth

Case Type: Criminal

State of Minnesota

Plaintiff (first, middle, last)

and

Test Test

Defendant (first, middle, last)

### Notice of Hearing and Petition for Expungement (EXP102)

Minn. Stat. § 609A.03 or Inherent Authority

**Notice To Law Enforcement/Government Agency/Prosecutor:** Any objection to expungement in this case shall be filed with the court as soon as possible, and within 60 days.

### Hearing Information

The hearing in this case is scheduled on:

Date: \_\_\_\_\_, at \_\_\_\_\_  a.m./  p.m.

The hearing will be:

- Remote using Zoom** (See the "Remote Hearing Information" Help Topic online at [www.mncourts.gov/Remote-Hearings.aspx](http://www.mncourts.gov/Remote-Hearings.aspx).)

Zoom meeting ID: \_\_\_\_\_

Passcode: \_\_\_\_\_

**OR**

- In Person**

Courthouse address: \_\_\_\_\_

Courtroom number: \_\_\_\_\_

### Petition for Expungement

1. List your full name:

First: Test

Middle: \_\_\_\_\_

Last: Test

2. List any other legal names or aliases you have been known as:

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3. List your date of birth: 08/20/1989

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4. List your current address:

Street Address: P. 42 Wallaby Way

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City, State, Zip: Sydney, MN 55555

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5. List all the other addresses you have lived at since the date of the offense for which you are seeking expungement: (give the street address, city, and state)

Check this box if you have only lived at your current address (listed in #4) since the date of the offense.

P. 43 Wallaby Way, Sydney, MN

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**6. Reasons for this Request.**

Why are you asking for an expungement?

Include the following information:

- Whether you are asking for an expungement for employment, housing, or licensure reasons;
- The statutory or other legal authority under which you are seeking an expungement; and
- Why an expungement should be granted (give specific details).

I am asking for an expungement because:

I would like my criminal records expunged to help me with employment, licensing, and housing. I am a single mom with 3 children, ages 12, 10 and 6. I was laid off from my job as a nurse's assistant 2 years ago and I have been unable to find a steady job since then because of my criminal record. I have applied for jobs at several nursing homes, including St. Theresa's and Golden Acres, and have been told that they cannot hire me because of my record. I also applied for retail jobs at Target and Home Depot. They also turned me down because of my criminal record.

My kids and I had to move in with my parents because I could not afford to pay full rent. I applied for subsidized housing through Minneapolis Public Housing Authority but they will not rent to me because of my record. I went to countless apartments in the neighborhoods around my school, and every one said they would conduct a background check. Because I have to pay application fees to even apply, and I have been denied at least three times after paying application fees, I stopped applying when I see a criminal background check as part of the application process. I have attached copies of applications I picked up from places I would have rented if I did not have this record (exhibits 3-4). After I was laid off I tried to improve my situation by going back to school part-time to become a licensed practical nurse. The school told me that I will not be able to be licensed if this offense is on my record. I have incurred significant costs in getting a degree that I cannot use now.

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I am trying to provide my children with a good life and a good example. This record is preventing me from being able to support myself and my family, despite my efforts to improve my education and my many applications. Expungement will allow me to put my efforts to good use, to stop me from having to rely on public assistance to get by, and to be able to work to support my family.

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*Add another sheet if needed.*

7. **Criminal Record.** Minnesota law requires you to give the full record of all your criminal convictions for misdemeanors, gross misdemeanors, or felonies; and criminal charges (including all criminal charges that have been continue for dismissal, stayed for adjudication, or have been the subject of pretrial diversion).

Give the following details about your criminal record (include information from Minnesota and any other state, federal court, and foreign countries):

- All charges, convictions, stays of adjudication or imposition of sentence, whether the conviction happened before or after the offense for which you are seeking expungement; and
- All pending charges or actions for misdemeanors, gross misdemeanors, or felonies.

Case #	County - State	Type of Charge	Date of Offense	Conviction Yes/No	Date of Conviction (If Yes)
27-CR-12-3123123	Hennepin - MN	Misdemeanor Theft	08/20/2009	Y	08/20/2010
27-VB-45-87619	Hennepin - MN	Misdemeanor Disorderly Conduct	10/10/2010	Y	10/10/2011

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*Add another sheet if needed.*

8. **Past Requests.** Have you ever asked for an expungement, pardon, or sealing of a criminal record before (whether for this offense or any other offense, and whether it was granted or not)?  Yes  No

If yes, list each other request for expungement, pardon, or sealing of a criminal record you have made:

I am concurrently seeking expungement of 27-VB-45-87619

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*Add another sheet if needed.*

## 9. Qualification for Expungement.

Why do you qualify for an expungement?

- A criminal case against you for possession of a controlled substance under Minn. Stat. §§§ 152.024, 152.025, or 152.027 has been dismissed and the proceedings have been discharged under Minn. Stat. § 152.18. [Use *Order Concerning Sealing/Expunging of Record - Minn. Stat. § 609A.02, subd. 1 or 2* (court form EXP106)]
- You were certified or referenced for prosecution as an adult for a crime you committed when you were a juvenile. [Use *Order Concerning Sealing/Expunging of Record - Minn. Stat. § 609A.02, subd. 1 or 2* (court form EXP106)]
- A criminal matter was resolved in your favor. [Use *Order Concerning Sealing/Expunging of Records - Minn. Stat. § 609A.02, subd. 3* (court form EXP105)]
- You successfully completed the terms of a diversion program or stay of adjudication, and you have not been charged with a new crime for at least one year since completion of the diversion program or stay of adjudication. [Use *Order Concerning Sealing/Expunging of Records - Minn. Stat. § 609A.02, subd. 3* (court form EXP105)]
- You were convicted of a petty misdemeanor or misdemeanor, or the sentence imposed was within the limits provided by law for a misdemeanor, and you have not been convicted of a new crime for at least two years since discharge of the sentence for the crime. [Use *Order Concerning Sealing/Expunging of Records - Minn. Stat. § 609A.02, subd. 3* (court form EXP105)]
- You were convicted of a gross misdemeanor, or the sentence imposed was within the limits provided by law for a gross misdemeanor, and you have not been convicted of a new crime for at least three years since discharge of the sentence for the crime. [Use *Order Concerning Sealing/Expunging of Records - Minn. Stat. § 609A.02, subd. 3* (court form EXP105)]
- You were convicted of a gross misdemeanor that is deemed to be for a misdemeanor pursuant to Minn. Stat. § 609.13, subd. 2(2), and you have not been convicted of a new crime for at least three years since discharge of the sentence for the crime. [Use *Order Concerning Sealing/Expunging of Records - Minn. Stat. § 609A.02, subd. 3* (court form EXP105)]
- You were convicted of a felony violation of Minn. Stat. § 152.025, and you have not been convicted of a new crime for at least four years since discharge of the sentence for the crime. [Use *Order Concerning Sealing/Expunging of Records - Minn. Stat. § 609A.02, subd. 3* (court form EXP105)]

- You were convicted of a felony that is deemed to be for a gross misdemeanor or misdemeanor pursuant to Minn. Stat. § 609.13, subd. 1(2), and have not been convicted of a new crime for at least four years since discharge of the sentence for the crime if the conviction was for an offense listed in Minn. Stat. § 609A.02, subd. 3(b); **or** five years since discharge of the sentence for the crime if the conviction was for any other offense. [Use *Order Concerning Sealing/Expunging of Records - Minn. Stat. § 609A.02, subd. 3* (court form EXP105)]
- You were convicted of a felony violation of an offense listed in Minn. Stat. § 609A.02, subd. 3(b), and have not been convicted of a new crime for at least four years since discharge of the sentence for the crime. [Use *Order Concerning Sealing/Expunging of Records - Minn. Stat. § 609A.02, subd. 3* (court form EXP105)]
- You were convicted of an offense that does not qualify for expungement under Minn. Stat. § 609A.02, subd. 3, but you believe you have rehabilitated yourself. You believe that the benefit to you outweighs the disadvantage to the public and the burden on the court. [Use *Findings of Fact, Conclusions of Law and Order to Seal/Expunge Judicial Records Only* (court form EXP107)]

10. **Offense Details.** What is the offense you want to expunge?

Case #: 27-CR-12-3123123

Jurisdiction/City where the offense occurred: Hennepin County / Minneapolis

Type of offense: Misdemeanor theft, 609.52

Date of offense: 08/20/2009

11. **Victims.** Were there any identifiable victims in this case?  Yes  No

If Yes, list the names of the victims:

Macys

12. **Protection, Restraining, or No-Contact Orders.** Is there now, or has there ever been, an Order for Protection, Restraining Order, or other No-Contact Order prohibiting you from contacting the victims?

Yes [Include copies of any orders with this *Petition*]

No

N/A (not applicable because there were no identifiable victims in this case)

13. **Personal Rehabilitation.** Describe what steps you have taken since the time of the offense toward personal rehabilitation, including treatment, work, or other personal history that demonstrates rehabilitation.

I have taken the following steps toward personal rehabilitation:

I committed this offense when I was only 19 years old. I was impulsive and trying to impress my friends, who would often brag about how they had beat up someone who insulted them, or how they would steal something from someone they did not like. When a bartender said something to me that I did not like in front of these friends, I retaliated by

stealing some cash off the bar that another customer had left to pay his bill. A security camera caught me on tape. I stole \$100.

I plead guilty to theft and was given probation. I completed the required number of hours of community service picking up trash and paid a fine, successfully fulfilling the terms of my probation. I also apologized to the bartender and returned the money I had stolen. After my conviction, I stopped hanging out with that group of friends. In the years since the conviction, I have found new friends who have been a positive, calming influence on me. I have not been in trouble with the law since that offense. I realize that I had not been thinking much about my future and was focused on having a good time in the moment. This offense caused me to think more about my future and that I need to make the right decisions in order to make something of myself. I made changes in my life in order to focus on giving myself a chance at a better future.

I decided to go to school to get an education that would help me be able to get a job to support myself. Since I have been going to school, I have been very focused on being successful. My desire to be successful has even led me to start working out. I find that I feel better when I am busy, so I try to keep busy with things that will give me a brighter future. This record is causing me problems moving on and finding a job, but I know that my hard work will help keep me on the right track.

I am also active in my church. My church is a supportive community and helps me to see the bigger picture and reinforces my desire to do the right thing and to focus on being a better person. When times get tough for me, I do not turn back to my old ways; I look for support and guidance at church or in scripture.

This was a one-time incident that happened when I was much younger, when I let myself be influenced by the wrong people. Though I take full responsibility for my actions and know that it was wrong, I am sure nothing of this nature will ever happen again. I am focused on making something of myself and not slipping back into destructive and dumb behavior.

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*Add another sheet if needed.*

14. Do you want to ask the court to seal any private or confidential data submitted by the responding agencies or other jurisdictions? [Minn. Stat. § 609A.03, subd. 3(d)]

Yes     No

15. Do you want to ask that, if an expungement is ordered, each agency and jurisdiction that receives the order must send a letter to you at the address provided confirming receipt of the expungement order and that the record has been expunged? [Minn. Stat. § 609A.03, subd.8(b)]

Yes     No

16. **Mitigating or Aggravating Factors.** Explain any mitigating or aggravating factors relating to the underlying crime, including your level of participation, the context and circumstances of the underlying crime, and what risk, if any, you pose to individuals or society.

Please see response to question #13

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*Add another sheet if needed.*

I declare under penalty of perjury that everything that I have stated in this document is true and correct. Minn. Stat. § 358.116.

Dated: \_\_\_\_\_ /s/ Test Test  
Signature \_\_\_\_\_

\_\_\_\_\_ Name: Test Test  
County and State where signed \_\_\_\_\_  
Address: P. 42 Wallaby Way \_\_\_\_\_  
City/State/Zip: Sydney, MN 55555 \_\_\_\_\_  
Phone: \_\_\_\_\_  
Email: \_\_\_\_\_