

## Minnesota Rules of Criminal Procedure

Revised effective January 1, 2010

With amendments effective February 1, 2013

### TABLE OF HEADNOTES

#### Rule 23. Petty Misdemeanors and Violations Bureaus

23.05 Procedure in Petty Misdemeanor Cases

### TEXT OF RULES

#### Rule 23. Petty Misdemeanors and Violations Bureaus

*[For text of 23.01 to 23.04, see M.S. 2012, Volume 15]*

#### Rule 23.05 Procedure in Petty Misdemeanor Cases

**Subd. 1. No Right to Jury Trial.** No right to a jury trial exists in a misdemeanor charge certified as a petty misdemeanor under Rule 23.04.

**Subd. 2. Right to Public Defender Representation.** Upon certification of a misdemeanor as a petty misdemeanor, the defendant is not entitled to representation by the public defender. In cases that require the defendant's consent to certification, and the prosecutor moves for certification, the judge must advise an unrepresented defendant of the right to apply for a public defender.

**Subd. 3. General Procedure.** A defendant charged with a petty misdemeanor violation is presumed innocent until proven guilty beyond a reasonable doubt. Except as otherwise provided in Rule 23, the procedure in petty misdemeanor cases must be the same as for misdemeanors punishable by incarceration.

**Subd. 4. Failure to Appear.** If a defendant charged with a petty misdemeanor, or a misdemeanor on the Statewide Payables List that is certified as a petty misdemeanor, fails to appear or respond as directed on the citation or complaint, a guilty plea and conviction may be entered, the payable fine amount no greater than the maximum fine for a petty misdemeanor, and any applicable fees and surcharges, may be imposed, and the matter referred to collections. Conviction must not be entered until 10 days after the failure to appear.

**Subd. 5. Withdrawal of Plea.** A defendant convicted under subdivision 4 may move under Rule 15.05 to withdraw the guilty plea and vacate the conviction.

(Amended effective August 1, 2012; amended effective February 1, 2013.)

*[For text of 23.06, see M.S. 2012, Volume 15]*

*[For text of Comment - 23, see M.S. 2012, Volume 15]*

## CRIMINAL FORMS

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#### Form

47 [Deleted]

### FORMS

#### FORM 47 - APPLICATION FOR PUBLIC DEFENDER

[Deleted effective February 1, 2013]

