
RE: Misdemeanor and Gross Misdemeanor cases -- Remote Hearings

In light of the COVID-19 Emergency, Dakota County District Court is looking at ways to continue case resolution while we are hearing limited calendars at the courthouse. We know many of you are still trying to get work done behind the scenes and wanted to provide some additional options for getting your cases heard as we attempt to transition back into full operations. As you all know, we do not know when we will be able to completely open our courthouses yet. So please consider the following if you need to get cases resolved. Scott Baker has contacted his misdemeanor team and they will be contacting clients to schedule remote appearances. If at all possible, I would ask that the respective City Attorneys contact private attorneys on their cases. If they wish to have a remote hearing to get a case handled, that can be done. They just need to contact court administration to schedule.

Misdemeanors and Gross Misdemeanors

1. Pleas by mail – Pleas by mail where the defendant has waived the right to be present at sentencing and there is a pleas agreement will be accepted and processed for both misdemeanors and gross misdemeanors. The judge reviewing the plea petition will have the discretion of requesting a telephone hearing or video conferencing if he/she feels an additional record should be made. The only issue we are still trying to figure out is what to do with cases that a probationary DANCO will be requested. I do know that if a jail sanction is requested, the jail wants reporting delayed as much as possible.
2. Starting the week of May 4th, we will be creating a calendar that will be heard remotely for cases where a hearing is necessary. Speedy demands will be addressed at the time of the scheduling conference. This can be scheduled through court administration. We will have 2 or 3 assigned judges that will hear these cases and will work with court administration to schedule them on a staggered schedule. We are still formulating a plan but they will likely be scheduled by defense attorney and we will try to group the cities with each judge for ease in scheduling. It will be expected that all parties will be ready to proceed at the appointed time. The remote appearance can be by telephone conference or video conferencing such as Zoom or Virtual Meeting Room.
3. Trials scheduled for May will be converted to scheduling conferences/Pre-trials.
4. At this point, it is unclear when we will be able to return to mass arraignment calendars but if you have someone who wishes to have their case heard, it can be done remotely.
5. We do not know when the West St. Paul and Apple Valley Courthouses will be reopened. I think that it is very likely that cases will be added back into the courthouse slowly depending on the recommendations from the Minnesota Department of Health as well as any Executive or Supreme Court Administrative Order.

Please forward this any other City Prosecutors I have missed in my e-mail addresses as well as to the private criminal defense attorneys as I don't seem to have everyone in my address book.

I hope you are all well and look forward to someday getting back to a "normal" world. Thanks for all you do.

Kathryn D. Messerich
Judge of District Court
First Judicial District