Rule 30. Dismissal

Rule 30.01 By Prosecutor

The prosecutor may dismiss a complaint or tab charge without the court's approval, and may dismiss an indictment with the court's approval. The prosecutor must state the reasons for the dismissal in writing or on the record. In felony cases, if the dismissal is on the record, it must be transcribed and filed.

(Amended effective August 1, 2012.)

Rule 30.02 By Court

The court may dismiss the complaint, indictment, or tab charge if the prosecutor has unnecessarily delayed bringing the defendant to trial.

Comment - Rule 30

Stated reasons for dismissal under Rule 30.01 may include satisfactory completion of a pretrial diversion program.

According to State v. Aubol, 309 Minn. 323, 244 N.W.2d 636 (1976), leave to dismiss an indictment must be granted if the prosecutor has provided a factual basis for the insufficiency of the evidence to support a conviction, and the court is satisfied that the prosecutor has not abused prosecutorial discretion.

Prosecutors and judges should be aware of their obligations under Minnesota Statutes, section 611A.0315, of the Minnesota Crime Victims Rights Act concerning notice to domestic abuse victims upon dismissal or refusal to prosecute the charge.