

**Rule 707. Transcription of Pleas, Sentences, and Revocation Hearings in Felony, Gross Misdemeanor, and Extended Jurisdiction Juvenile Proceedings, and Grand Jury Proceedings**

The following provisions relate to all pleas, sentences, and revocation hearings in all felony, gross misdemeanor, and extended jurisdiction juvenile proceedings, and all grand jury proceedings. Grand jury proceedings are secret as provided in Minn. R. Crim. P. 18 and this rule must be construed to maintain secrecy in accordance with that rule.

(a) Court reporters and operators of electronic recording equipment shall file the stenographic notes or tape recordings of guilty plea, or sentencing and revocation hearings with the court administrator within 90 days of sentencing, and the stenographic notes or tape recordings of grand jury proceedings shall be filed with the court administrator and maintained in a nonpublic portion of the file at the conclusion of grand jury hearings. The reporter or operator may retrieve the notes or recordings if necessary. Minnesota Statutes 2002, section 486.03, is superseded to the extent that it conflicts with this procedure.

(b) All original grand jury transcripts shall be filed within 60 days of request by the court or prosecutor or receipt of an order from the appropriate court directing transcription and shall be made available to parties other than the court or prosecutor only in accordance with that court order. The court administrator must file and maintain all grand jury transcripts in a nonpublic portion of the file. The court may allow extension of this 60-day deadline upon a showing of good cause.

(c) No charge may be assessed for preparation of a transcript for the district court's own use; any other person ordering a transcript as allowed under the rules shall be at the expense of that person. Transcripts ordered by the defendant or defense counsel shall be prepaid except when the defendant is represented by the public defender or assigned counsel, or when the defendant makes a sufficient affidavit of an inability to pay and the court orders that the defendant be supplied with the transcript at the expense of the appropriate governmental unit.

(d) If no district court file exists with respect to a grand jury proceeding, the administrator shall open a grand jury file upon the request of the prosecutor.

(e) The maximum rate charged for the transcription of any proceeding shall be established, until July 1, 2005, by the Conference of Chief Judges, and thereafter by the Judicial Council. Minnesota Statutes 2002, section 486.06, is superseded to the extent that it conflicts with this procedure.

(Added effective January 1, 2005; amended effective January 1, 2010.)

***Advisory Committee Comment - 2004 Amendment***

*Rule 707 is a new rule, designed to implement provisions of orders of the Minnesota Supreme Court in 2003 relating to the transcription of plea proceedings. See Order, In re Promulgation of Amendments to the Rules of Criminal Procedure, No. C1-84-2137 (Minn., Oct. 31, 2003); Order, In re Promulgation of Amendments to the Rules of Juvenile Procedure, No. CX-01-926 (Minn., Nov. 10, 2003). The rule is not intended to expand or alter the practice under these orders; it merely codifies the orders as part of the general rules.*

***Advisory Committee Comment - 2009 Amendment***

*Grand jury proceedings in Minnesota are secret. See Minn. R. Crim. P. 18.08. The court and prosecutors may obtain access to grand jury records and may order a transcript; any other transcription may occur only pursuant to Minn. R. Crim. P. 18.05 subd 1. Rule 707 is amended to provide the rules for filing and maintaining transcripts of grand jury proceedings in the limited circumstances where the transcription is permitted or ordered. The court may also enter a protective order to prohibit further disclosure of the grand jury transcript. Minn. R. Crim. P. 18.05 subd 2.*

## MINNESOTA COURT RULES

### GENERAL RULES OF PRACTICE

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*Rule 707(d) recognizes that there are circumstances where a grand jury is not separately convened for a particular case, and there is no separate file for that grand jury. This subdivision allows the prosecutor to request that a file be opened to serve as the repository for notes, records, or transcript from that proceeding.*