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Minn. Stat. § 480A.08, subd. 3 (2018).*

**STATE OF MINNESOTA
IN COURT OF APPEALS
A19-1310**

State of Minnesota,
Respondent,

vs.

Troy Kenneth Scheffler,
Appellant.

**Filed February 18, 2020
Affirmed
Bjorkman, Judge**

Anoka County District Court
File No. 02-VB-10-264

David Brodie, Coon Rapids City Attorney, Coon Rapids, Minnesota (for respondent)

Troy Scheffler, Merrifield, Minnesota (pro se appellant)

Considered and decided by Johnson, Presiding Judge; Bjorkman, Judge; and Slieter,
Judge.

UNPUBLISHED OPINION

BJORKMAN, Judge

Appellant challenges the denial of his request to waive the filing fee for his petition to expunge a petty misdemeanor conviction. Because the district court did not abuse its discretion, we affirm.

FACTS

This is the third appeal related to appellant Troy Kenneth Scheffler's 2010 conviction for a petty misdemeanor seatbelt violation. This court affirmed his conviction. *State v. Scheffler*, No. A10-0685 (Minn. App. Mar. 10, 2011) (order op.). In March 2019, Scheffler petitioned the district court to expunge the conviction and applied to proceed in forma pauperis (IFP) pursuant to Minn. Stat. § 563.01 (2018). The district court denied Scheffler's IFP application, and he appealed. We held that waiver of the expungement filing fee¹ is governed by the expungement statute, Minn. Stat. § 609A.03 (2018), rather than the IFP statute. *State v. Scheffler*, 932 N.W.2d 57, 62 (Minn. App. 2019). We reversed and remanded, directing the district court to "base its ultimate waiver determination on the standards set forth in section 609A.03." *Id.* at 62-63.

On remand, the district court once again denied Scheffler's request to waive the filing fee. The district court reasoned that Scheffler was "not entitled to a mandatory fee waiver because his seat belt violation case was not resolved in his favor." And the court concluded that Scheffler's stated reasons for seeking expungement did not warrant a discretionary fee waiver. Scheffler appeals.

DECISION

We review the denial of an expungement petitioner's request to waive the filing fee under Minn. Stat. § 609A.03 for abuse of discretion. *See id.* at 60. A district court abuses its discretion if its decision is premised on an "erroneous view of the law or is against logic

¹ A filing fee of \$285 is required for expungement petitions brought under Minn. Stat. § 609A.03, subd. 1 (2018). Minn. Stat. § 357.021, subd. 2(1) (2018).

and the facts in the record.” *State v. Jaros*, 932 N.W.2d 466, 472 (Minn. 2019) (quotation omitted).

Minn. Stat. § 609A.02, subd. 3(a)(3) (2018), permits a person to petition for expungement of criminal records if “the petitioner was convicted of . . . a petty misdemeanor . . . and has not been convicted of a new crime for at least two years since discharge of the sentence.” The expungement petition must set forth, among other things, “why expungement is sought, if it is for employment or licensure purposes, the statutory or other legal authority under which it is sought, and why it should be granted.” Minn. Stat. § 609A.03, subd. 2(a)(4). Scheffler’s petition stated that he was seeking expungement because: “Record looks too long. People publicly access the record such as potential girlfriends and it looks like a lot to explain. Trying to clean up as much as I can.”²

A petitioner is automatically entitled to have his filing fee waived if the criminal matter for which expungement is sought was resolved in his favor. *Id.*, subd. 1. In all other cases, whether to waive an indigent petitioner’s filing fee is a matter within the district court’s discretion. *Id.*

In denying Scheffler’s fee-waiver request, the district court applied what it referred to as a “common sense evaluation of the available information.” This included Scheffler’s income, the severity of his crime, and his “stated reasons for requesting the expungement.” The court recited Scheffler’s stated reasons for seeking expungement and noted that he “does not allege any adverse impact to employment or housing opportunities nor does he allege he is prevented from obtaining any necessary licensure.” After further observing

² Scheffler’s petition lists five other criminal convictions, three involving driving while under the influence of alcohol.

that “by all accounts” Scheffler is entitled to expungement, the district court found that “this is an appropriate case in which to exercise its discretion and deny the fee waiver request.”

Scheffler argues that the district court abused its discretion because it denied his fee-waiver request without considering evidence of his indigency. This argument is unavailing. As noted above, even if a petitioner establishes that he is indigent, a district court may—as a matter of discretion—deny a fee-waiver request if the underlying case was not resolved in the petitioner’s favor. *Id.*, subd. 1. The district court expressly found that Scheffler is indigent. But the court declined to grant his request.

In exercising its discretion, the district court reasonably considered Scheffler’s financial circumstances, the minor nature of his seatbelt violation, and the reasons he gave for seeking expungement. These factors track the fee-waiver provision and the required contents of an expungement petition. *Id.*, subds. 1, 2(a). We discern no legal error in the district court’s analysis. And we are not persuaded that the court’s focus on Scheffler’s personal reasons for seeking expungement—which are a far cry from concerns about employment or housing for which expungement is often sought—is misplaced. *Id.*, subd. 2(a)(4); *State v. Schultz*, 676 N.W.2d 337, 341 (Minn. App. 2004) (recognizing employment and housing problems as reasons to seek judicial expungement). In sum, we discern no abuse of discretion by the district court in denying Scheffler’s fee-waiver request.

Affirmed.