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Minn. R. Civ. App. P. 136.01, subd. 1(c).*

**STATE OF MINNESOTA  
IN COURT OF APPEALS  
A25-2062**

State of Minnesota,  
Respondent,

vs.

J. G. Z.,  
Appellant.

**Filed August 31, 2026  
Reversed and remanded  
Bratvold, Judge**

Carver County District Court  
File No. 10-CR-21-875

Keith Ellison, Attorney General, St. Paul, Minnesota; and

Mark Metz, Carver County Attorney, Jeffrey D. Albright, Assistant County Attorney,  
Chaska, Minnesota (for respondent)

Dylan Wallace, Henson & Efron, P.A., Minneapolis, Minnesota (for appellant)

Considered and decided by Bratvold, Presiding Judge; Larkin, Judge; and Reyes,  
Judge.

**NONPRECEDENTIAL OPINION**

**BRATVOLD**, Judge

Appellant challenges the district court's order denying his petition to expunge the records related to his domestic-assault conviction that was entered after he pleaded guilty

in 2022. Because the district court’s factual findings are clearly erroneous, we reverse and remand for the district court to reevaluate the petition in light of this opinion.

## FACTS

The following summarizes the factual findings in the district court’s written order, supplemented by the record relevant to the issues on appeal. Appellant J.G.Z. was arrested in October 2021. Respondent State of Minnesota filed a complaint that charged J.G.Z. with three counts: domestic assault by strangulation, child endangerment, and domestic assault involving the intentional infliction of bodily harm. On the day of the alleged offense, law-enforcement officers received a report of a domestic incident involving J.G.Z. and E.M.B., with whom J.G.Z. has two children. Their son, who was three years old at the time, was also present. The complaint alleged that J.G.Z. acted violently towards E.M.B. and injured E.M.B. and their son.

In January 2022, J.G.Z. entered into a plea agreement with the state. J.G.Z. pleaded guilty to misdemeanor domestic assault involving the intentional infliction of bodily harm in exchange for the state dismissing the remaining counts and recommending a stay of imposition of the sentence. *See* Minn. Stat. § 609.2242, subd. 1(2) (2020) (providing that whoever “intentionally inflicts or attempts to inflict bodily harm” against “a family or household member” is guilty of a misdemeanor).

At the plea hearing, J.G.Z. pleaded guilty, testified to a factual basis, and agreed that he and E.M.B. “had a verbal disagreement” that “turned physical.” J.G.Z.’s attorney asked, “[D]uring that interaction, you struck [E.M.B.] with the intent to cause harm, correct?” J.G.Z. replied, “I mean restrain, I wouldn’t say struck, but yeah.” J.G.Z. acknowledged that

he harmed E.M.B. and “caused her some pain.” The district court accepted J.G.Z.’s guilty plea, dismissed the remaining counts, stayed imposition of a sentence, and placed J.G.Z. on probation for up to one year. J.G.Z. successfully completed probation.<sup>1</sup>

In May 2025, J.G.Z. petitioned the district court to expunge the records related to the 2022 domestic-assault conviction. In his petition, J.G.Z. indicated that he was eligible for expungement because he was convicted of a misdemeanor and had “not been convicted of a new crime for at least two years since discharge of the sentence for the crime.” *See* Minn. Stat. § 609A.02, subd. 3(a)(3) (2024).

J.G.Z.’s petition stated that he was seeking expungement “for employment purposes and for a Developmental Disability (DD) Waiver for [his] daughter.” J.G.Z. explained, “I currently work as a blackjack dealer at a casino. I would like to apply to be a Pit Boss,” which “would mean more pay, full time work, and benefits.” J.G.Z. added, “Regarding the DD waiver, my daughter has some developmental disabilities including autism, I would like to apply to be her paid parent caregiver through the [Minnesota Department of Human Services]” (DHS), but J.G.Z. explained that his conviction would be “a disqualifying offense for DHS purposes.” J.G.Z. also stated that his criminal record would “make it difficult” for him to find housing should he “need to move at some point.”

J.G.Z.’s petition also summarized the steps he had taken towards rehabilitation:

Shortly after this incident, I was granted sole custody of my two children. . . . Since the offense I have focused on raising my children and being a good role model for them . . . . I am concentrating on being a loving, supportive parent. I have

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<sup>1</sup> The record does not contain a probation discharge order. In its expungement order, the district court found that J.G.Z. “successfully completed” his probation.

maintained employment and have worked at the same place since 2012.

In a letter filed with the district court, the state opposed J.G.Z.'s petition for four reasons. First, the state argued that the potential benefits of expungement for J.G.Z.'s employment and for him to qualify as a paid parent caregiver were "speculative" and lacked documentation. Second, the state maintained that J.G.Z.'s domestic-assault conviction could support enhancement of similar offenses until 2032 and, therefore, sealing his criminal record would create "a significant burden on law enforcement agencies" in any future prosecution. Third, the state argued that the circumstances alleged in the complaint, especially the injury to J.G.Z.'s son, weighed against expungement. Finally, the state contended that too little time had passed since J.G.Z.'s offense.

The district court held a hearing on J.G.Z.'s expungement petition in September 2025.<sup>2</sup> J.G.Z., who represented himself at the hearing, elaborated on his financial hardship, stating that (1) he "receive[s] no child support from the children's mother"; (2) his pay as a blackjack dealer "has been cut about 40 percent due to [his] pool tips dropping off"; and (3) after the conviction, he was "deactivated" from a "Door Dash delivery job" following an annual background check, leading to an estimated loss of "around \$45,000 of income over the past three years." J.G.Z. added that the cost of rent and utilities for his home "comes about to 80 percent" of his income. The state relied on the arguments in its written submission, as summarized above.

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<sup>2</sup> The first hearing in August 2025 was continued to allow J.G.Z. to file additional supporting documents. J.G.Z. filed no documents after the August hearing.

The district court denied J.G.Z.’s petition. In a written order and memorandum, the district court found that J.G.Z. “met the eligibility threshold” for expungement and had “made progress since the incident occurred.” But the district court explained that “the seriousness of the offense,” the “presence and injury of a child,” the “short passage of time” since the offense, and the administrative burden created by sealing J.G.Z.’s record led to its determination that “the proven benefits [of expungement] are not commensurate with the disadvantages to the public and public safety.”

J.G.Z. appeals.

## DECISION

### **I. The district court abused its discretion in denying J.G.Z.’s petition under Minn. Stat. § 609A.03 (2024).**

Appellate courts review the denial of an expungement petition for abuse of discretion. *State v. M.D.T.*, 831 N.W.2d 276, 279 (Minn. 2013). Under this standard, appellate courts “will not overrule the district court unless the court exercised its discretion in an arbitrary or capricious manner or based its ruling on an erroneous interpretation of the law.” *State v. R.H.B.*, 821 N.W.2d 817, 822 (Minn. 2012). We review a district court’s findings of fact supporting a decision on expungement for clear error. *State v. A.S.E.*, 835 N.W.2d 513, 517 (Minn. App. 2013). Findings of fact are clearly erroneous when they are “manifestly contrary to the weight of the evidence or not supported by the evidence as a whole.” *State v. Schultz*, 676 N.W.2d 337, 341 (Minn. App. 2004) (quotation omitted). We review the district court’s legal conclusions de novo. *State v. Nicks*, 831 N.W.2d 493, 503 (Minn. 2013).

Minnesota’s expungement statutes set out threshold eligibility requirements and provide the procedure and analysis that a petitioner and courts must follow on a petition to expunge the records related to a criminal offense. *See generally* Minn. Stat. §§ 609A.01-.06 (2024). Relevant to J.G.Z.’s petition is section 609A.02, subdivision 3(a)(3), which provides that a “petition may be filed under section 609A.03” if “the petitioner was convicted of a . . . misdemeanor” and “has not been convicted of a new crime for at least two years since discharge of the sentence for the crime.”

Statutory expungement by petition is “an extraordinary remedy.” Minn. Stat. § 609A.03, subd. 5(a). A petition for expungement is “to be granted only upon clear and convincing evidence that it would yield a benefit to the petitioner commensurate with the disadvantages to the public and public safety of: (1) sealing the record; and (2) burdening the court and public authorities to issue, enforce, and monitor an expungement order.” *Id.*, subd. 5(a)(1)-(2). The statute sets out a 12-factor test for determining whether expungement should be granted:

- (1) the nature and severity of the underlying crime, the record of which would be sealed;

- (2) the risk, if any, the petitioner poses to individuals or society;

- (3) the length of time since the crime occurred;

- (4) the steps taken by the petitioner toward rehabilitation following the crime;

- (5) aggravating or mitigating factors relating to the underlying crime, including the petitioner’s level of participation and context and circumstances of the underlying crime;

- (6) the reasons for the expungement, including the petitioner’s attempts to obtain employment, housing, or other necessities;

- (7) the petitioner’s criminal record;

(8) the petitioner's record of employment and community involvement;

(9) the recommendations of interested law enforcement, prosecutorial, and corrections officials;

(10) the recommendations of victims or whether victims of the underlying crime were minors;

(11) the amount, if any, of restitution outstanding, past efforts made by the petitioner toward payment, and the measures in place to help ensure completion of restitution payment after expungement of the record if granted; and

(12) other factors deemed relevant by the court.

*Id.*, subd. 5(c). Upon the grant of an expungement petition, the remedy available is limited to “sealing the [expunged] records and prohibiting the disclosure of their existence or their opening except under court order or statutory authority.” Minn. Stat. § 609A.01. The expungement statute does not authorize “the destruction of records or their return to the subject of the records.” *Id.*

The district court found that J.G.Z. met the threshold eligibility requirements for statutory expungement.<sup>3</sup> The district court applied the 12-factor test and concluded that factors one through six and factor nine weighed against expungement, factors seven and eight favored expungement, there was “no victim input” under factor ten, and factors eleven and twelve did not apply. On appeal, J.G.Z. argues that the district court clearly

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<sup>3</sup> Among the eligibility requirements is that “the petitioner has not been convicted of a new crime for at least two years since discharge of the sentence for the crime.” Minn. Stat. § 609A.02, subd. 3(a)(3). The state suggests in its brief that J.G.Z. filed his petition before the two-year waiting period had elapsed. The state failed to make this objection in district court; it is therefore forfeited on appeal, and we may decline to consider it. *See Thiele v. Stich*, 425 N.W.2d 580, 582 (Minn. 1988) (stating that appellate courts generally address only those questions previously presented to and considered by the district court). Even so, J.G.Z. filed his expungement petition in May 2025, about two years and four months after his probation expired.

erred in its factual findings and erred in its legal analysis and conclusions under factors one through six. J.G.Z. does not challenge the district court's findings and conclusions as to the remaining factors. Thus, we consider the parties' arguments about factors one through six.

***Factor One: The Nature and Severity of the Underlying Crime***

Under the first factor, the district court stated that it would “consider reliable record materials to understand the context of the incident.” Referring to allegations in the criminal complaint, the district court stated, “The Court treats these as allegations reflected in the record, not as findings that expand the scope of the plea.” But the district court then found that the “presence of a child, the reported injury to the child, and the allegation and evidence of strangulation are *aggravating circumstances* that weigh against sealing the records.” (Emphasis added.)

J.G.Z. argues that the district court's “consideration of unproved allegations related to dismissed charges” warrants reversal and remand. J.G.Z. maintains that “the only evidence and allegations related to the underlying offense that the district court could properly consider as part of its analysis” was the “evidence presented under oath establishing the factual basis for [J.G.Z.'s] conviction.”

We conclude that the district court clearly erred in determining that aggravating circumstances existed based on factual findings supported only by allegations in the criminal complaint. In *State v. A.S.R.*, this court considered whether the district court clearly erred in finding that an expungement petitioner had engaged in conduct that was charged but not proved. 906 N.W.2d 526, 532 (Minn. App. 2017). A.S.R. was charged with “providing false identification to gain access to an airport security area” in violation of a

Metropolitan Airport Commission (MAC) ordinance. *Id.* at 528. MAC alleged that A.S.R. applied for an airport badge and “had improperly marked a box . . . indicating that he should receive ‘escort’ authority.” *Id.* The charge was later dismissed, and A.S.R. petitioned for expungement.<sup>4</sup> *A.S.R.*, 906 N.W.2d at 528. The district court denied expungement of the charge, based in part on its finding that A.S.R. “sought ‘escort’ privileges to which he was not entitled by altering an application for his badge.” *Id.* at 529, 532.

We concluded that the district court’s finding was clearly erroneous and reversed and remanded. *Id.* at 532-33. We reasoned that the stipulation to dismiss charges against A.S.R. “supports no more than a finding that A.S.R. was *alleged* to have engaged in particular conduct.” *Id.* at 532 (emphasis added). Thus, the district court “clearly erred by finding that A.S.R. *engaged in* the underlying charged—but never proven—conduct.” *Id.* (emphasis added).

Here, the district court stated that it treated the criminal complaint as “allegations” and not “findings.” But the district court weighed the conduct alleged in the complaint against expungement and described the unproven conduct as “aggravating circumstances.”

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<sup>4</sup> A.S.R. petitioned for expungement under section 609A.02, subdivision 3(a)(1) (2016), which applies when “all pending actions or proceedings were resolved in favor of the petitioner.” *A.S.R.*, 906 N.W.2d at 529 (quotation omitted). For petitions brought under subdivision 3(a)(1), there is a statutory presumption in favor of expungement and the burden shifts from the petitioner to the opponent of expungement to establish “by clear and convincing evidence that the interests of the public and public safety outweigh the disadvantages to the petitioner of not sealing the record.” Minn. Stat. § 609A.03, subd. 5(b). The state argues that *A.S.R.* is inapplicable to J.G.Z.’s appeal because, unlike J.G.Z., A.S.R. was “entitled to presumed statutory expungement.” This distinction may be relevant in some cases but does not change our analysis of what evidence a district court may consider when applying the 12-factor test.

The district court's reasoning indicates that it found J.G.Z. had engaged in the conduct alleged in the complaint. *See A.S.R.*, 906 N.W.2d at 532. Thus, as in *A.S.R.*, the district court clearly erred by making findings based on unproven allegations in the complaint.

The state argues that *A.S.R.* is distinguishable because *A.S.R.*'s false-identification charge was dismissed and there was "no admission" to any of the underlying conduct. In contrast, J.G.Z. "admitted on the record that he assaulted" E.M.B. We are not persuaded. The relevant distinction is between allegations that have been proved—including through a defendant's testimony and admissions in a plea hearing—and those that have not. J.G.Z.'s testimony at the plea hearing did not adopt or admit that the incident involved strangulation or that his son was present or injured.

Alternatively, the state contends that this court should not follow *A.S.R.*'s ruling on the criminal complaint allegations because it is "dictum and not precedential." We disagree. Our conclusion in *A.S.R.* that the district court relied on clearly erroneous findings was essential to our decision that the district court abused its discretion in denying *A.S.R.*'s expungement petition. *Id.* at 532-33; *see Jaeger v. Palladium Holdings, LLC*, 884 N.W.2d 601, 611 (Minn. 2016) (stating that "a ruling not necessary to the decision of a case can be regarded as only dictum" (quotation omitted)).

The state also argues that the statutory language of factors one, five, and twelve "logically allows the district court to consider other pieces of information that have not been admitted to or found beyond a reasonable doubt when considering statutory expungement." We need not decide under what circumstances it would be appropriate for the district court to consider allegations in a complaint. Here, the district court clearly erred

by relying solely on the complaint to find that specific conduct amounted to aggravating circumstances. Thus, the district court abused its discretion in concluding that factor one weighed against expungement.

***Factor Two: Risk the Petitioner Poses to Individuals or Society***

The district court noted that J.G.Z.’s “lack of criminal history” and completion of domestic-abuse programming mitigated the risk of recidivism. The district court also stated that “this appears to be a situational offense.” But the district court concluded that factor two weighed against expungement because “this incident involved an intimate partner who was holding a child during the assault.”

The district court relied solely on the complaint for its finding that E.M.B. was holding a child during the assault. As discussed above, it was clear error for the district court to make findings based on unproven allegations and then weigh those findings as proven facts that disfavor expungement.

Also, caselaw explains that the “situational” nature of the offense favors expungement because generalized or speculative risk cannot by itself be a basis to deny expungement. For example, in *State v. D.R.F.*, this court reversed and remanded the denial of D.R.F.’s expungement petition after he was acquitted of a charge of third-degree criminal sexual conduct. 878 N.W.2d 33, 34-35 (Minn. App. 2016). D.R.F. did not appear for his trial and was apprehended and tried about 18 months later. *Id.* at 35. In support of its denial of D.R.F.’s subsequent expungement petition, the district court stated D.R.F.’s “absconding from a charge is relevant in the event he should be charged with a future offense, as it would influence the setting of bail or other security.” *Id.* at 36. The district court found,

“Should this record be sealed the information would not be available for a court to consider.” *Id.*

We disagreed, stating there was no “unique or particularized harm to the public” from “the hypothetical situation in which appellant commits some offense in the future and is charged with a crime, bail is set too low because of the state’s inability to bring up the bench warrant history of appellant’s expunged crime, and appellant then absconds.” *Id.* (quotation omitted). We concluded that the risk of a second nonappearance for trial was “simply too speculative to constitute clear-and-convincing evidence.” *Id.*<sup>5</sup>

Here, the district court acknowledged that J.G.Z.’s offense was “situational,” relied on unproven allegations, and made no findings that J.G.Z. posed a future risk of harm to any individuals or to society. Thus, the district court abused its discretion in concluding that the risk of harm outweighed the mitigating circumstances such that factor two weighed against expungement.

### ***Factor Three: The Length of Time Since the Crime Occurred***

The district court stated that “only a few years have passed since this violent offense, and Minnesota law preserves use of this conviction to enhance any future assault-related offense for [ten] years.” The district court concluded that factor three “weighs against sealing the records” of J.G.Z.’s case “prior to the expiration of the look-back period.”

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<sup>5</sup> The state argues that *D.R.F.* is “inapposite” because the state bore the burden to prove that expungement was not warranted. *See D.R.F.*, 878 N.W.2d at 35. While the burden of proof differs from this case, *D.R.F.* is instructive because we reviewed the application of the second factor of the 12-factor test.

While the district court accurately states that J.G.Z.’s offense could contribute to enhance a future domestic assault or fifth-degree assault offense within ten years, it erred in its legal analysis for two reasons. First, the expungement statute provides a two-year waiting period for J.G.Z.’s offense. Minn. Stat. § 609A.02, subd. 3(a)(3). The district court effectively used the ten-year look-back period as a bar to expunging J.G.Z.’s conviction, which would contravene the waiting period provided in the expungement statute. Second, expungement does not preclude enhancement of future offenses because “an expunged record may be opened for purposes of a criminal investigation, prosecution, *or sentencing*, upon an ex parte court order.” Minn. Stat. § 609A.03, subd. 7a(b)(1) (emphasis added). Because the statutory waiting period for expungement of J.G.Z.’s offense is two years, the district court abused its discretion in weighing this factor against expungement based on the enhancement look-back period.

***Factor Four: Petitioner’s Steps Towards Rehabilitation***

The district court weighed factor four, although in combination with factor three, and concluded that it weighed against expungement. But the district court found only “genuine positives” on J.G.Z.’s steps toward rehabilitation, including his completion of probation without violation, no new convictions, and continued employment. Because district court’s conclusion on factor four was contrary to its findings, we conclude that the district court abused its discretion in weighing this factor against expungement.

***Factor Five: Aggravating or Mitigating Factors Relating to the Underlying Crime***

The district court concluded that J.G.Z.’s offense was “aggravated by the presence of a child, the child’s reported injuries, and the allegation that the victim was strangled.”

For the reasons set out in our analysis of factor one, the district court clearly erred in its factual findings and erred in its legal analysis of factor five by relying on unproven allegations in the complaint.

***Factor Six: Reasons for the Expungement***

The district court acknowledged the “sincerity” of J.G.Z.’s attestation that “the conviction is an employment barrier at the casino” but noted that “there is no documentation” to support any adverse employment consequences. The district court also rejected J.G.Z.’s argument that sealing his criminal record would provide a benefit to him and his family by allowing him to become a paid caregiver for his disabled daughter, stating that expungement would “erase the very information DHS needs to evaluate whether [J.G.Z.] should be entrusted as a licensed caretaker for a vulnerable person.” The district court concluded that this factor weighed against expungement.

J.G.Z. argues that “a petitioner is not required to provide documentary evidence to prove the alleged employment benefits that expungement would provide” and that the district court therefore clearly erred in finding that he had not shown that factor six favored expungement. J.G.Z. emphasizes that the district court “failed to comment on [his] unrefuted claim that he had been terminated from his Door Dash delivery job as a result of his conviction.” J.G.Z. also argues that the district court clearly erred in finding that expungement would “erase” information required by DHS.

J.G.Z. is correct that the district court failed to analyze his termination from DoorDash. Caselaw shows that a history of unsuccessful attempts to gain employment is a relevant consideration on a petition for expungement. For example, in *State v. N.G.K.*,

N.G.K. testified that he “applied for a job with another company and was not considered because of his prior conviction” and that expungement was “necessary in order to move to the next level in his career.” 770 N.W.2d 177, 180 (Minn. App. 2009) (quotation marks omitted). This court determined that the district court “did not clearly err” by finding that N.G.K. had “demonstrated difficulties in securing employment” despite his “somewhat vague” evidence. *Id.* at 180-81 (quotation omitted).<sup>6</sup>

In contrast, in *State v. H.A.*, H.A. testified that “he had applied for a position in airport security and feared that his record would adversely affect his employability.” 716 N.W.2d 360, 362 (Minn. App. 2006). This court concluded that the “difficulties in securing employment” factor did not favor expungement because H.A. “did not indicate a history of unsuccessful employment attempts” and instead “appeared to be seeking expungement in order to obtain a specific position.” *Id.* at 364.

Although the district court failed to address J.G.Z.’s loss of his DoorDash job, the record contains insufficient evidence for us to conclude that the district court erred in determining that this factor weighs against expungement. Because we remand for other reasons, however, the district court may reweigh this factor, taking into account J.G.Z.’s loss of employment with DoorDash.

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<sup>6</sup> *N.G.K.* involved a petition for expungement under the district court’s inherent authority. 770 N.W.2d at 179-80; *see also State v. S.L.H.*, 755 N.W.2d 271, 274 (Minn. 2008) (discussing statutory and inherent authority as separate bases for expungement). One factor in evaluating a petition for inherent-authority expungement is “the extent that a petitioner has demonstrated difficulties in securing employment.” *N.G.K.*, 770 N.W.2d at 180 (quotation omitted). Because factor six of the statutory expungement test directs courts to consider “the petitioner’s attempts to obtain employment,” Minn. Stat. § 609A.03, subd. 5(c)(6), caselaw on inherent-authority expungement clarifies this point.

As for J.G.Z.’s argument about the likely outcome of a DHS background check on him, we agree that the district court was mistaken that expungement would “erase” information needed by DHS. *See* Minn. Stat. § 609A.01 (“Nothing in this chapter authorizes the destruction of records or their return to the subject of the records.”). And as J.G.Z. acknowledges, “even expunged records may be retrieved if requested by state agencies.” J.G.Z. cites Minnesota Statutes section 609A.03, subdivision 7a, which sets out purposes for which an expunged record of conviction may be reopened. Based on J.G.Z.’s concession, we assume without deciding that DHS would be able to retrieve the records of his expunged conviction for the purpose of a background check. Given this concession, J.G.Z. has not shown how expungement would resolve his difficulty in passing a DHS background check and therefore does not persuade us that the district court abused its discretion in finding that factor six favored expungement.

In sum, because the district court erred in its analysis of five out of seven factors that it weighed against expungement and relied extensively on unproven allegations in its analysis, we conclude that the district court abused its discretion in denying J.G.Z.’s petition for statutory expungement.

### ***Final Analysis***

J.G.Z. argues that the district court erred in its final analysis and its balancing of the benefits of expungement against the disadvantages to the public and public safety. J.G.Z. contends that the district court applied an incorrect standard of proof by requiring him to present evidence that the benefits of expungement would “*outweigh* the burden of expungement on the State . . . rather than simply showing that these benefits are

commensurate with the burden.” *See* Minn. Stat. § 609A.03, subd. 5(a) (requiring “clear and convincing evidence” that expungement “would yield a benefit to the petitioner *commensurate with* the disadvantages to the public and public safety” (emphasis added)).

The district court’s written decision included a single statement that J.G.Z.’s “need for expungement does not outweigh” the “significant administrative burden” on prosecutors and law-enforcement agencies. But the district court’s decision generally stated and applied the correct standard. Although the district court erred in its analysis of several factors, in context, we discern no error in the standard of proof in the court’s final analysis. As required by the expungement statute, the district court balanced the 12 factors and denied expungement because “the proven benefits [were] not commensurate with the disadvantages to the public and public safety.”

## **II. Inherent-Authority Expungement**

Besides granting a petition under the expungement statute, a district court may order expungement under the court’s inherent authority. *S.L.H.*, 755 N.W.2d at 274. Expungement under the court’s inherent authority “extends only to records held by the judicial branch.” *R.H.B.*, 821 N.W.2d at 820 n.1. A court may consider a petitioner’s eligibility under both sources of authority. *See, e.g., State v. K.M.M.*, 721 N.W.2d 330, 332 (Minn. App. 2006) (remanding a petition for expungement of a dismissed indictment “for findings as to expungement of the indictment under statutory and inherent authority”).

J.G.Z. argues that the district court “committed reversible error by failing to consider [his] request for expungement pursuant to the district court’s inherent authority.” Because we reverse the district court’s denial of statutory expungement, we need not reach

this issue. On remand, the district court may decide in the first instance whether J.G.Z. requested expungement under the court's inherent authority, and if so, whether expungement is warranted.

In sum, the district court erred in concluding that factors one through five weighed against expungement and therefore abused its discretion in denying J.G.Z.'s petition for statutory expungement. We reverse and remand for the district court to reevaluate J.G.Z.'s petition in light of this opinion.

**Reversed and remanded.**