

HOW TO FILE A MOTION TO WITHDRAW A PLEA OF GUILTY (TO A CITATION)

Instructions:

1. Obtain a court date and a copy of the paid citation at the Criminal Filing Desk at the appropriate court location in Dakota County.
2. Fill out the attached Notice of Motion and Motion to Withdraw a Plea of Guilty and sign and date it.
3. Make two copies of the completed Notice of Motion and Motion paperwork. One copy is for you and the other copy must be served upon the prosecutor. A list of mailing addresses for all Dakota County prosecutors is attached.
4. Have a third party (NOT YOU) who is 18 years or older, mail a copy of the papers to the other party. They can be mailed on any day EXCEPT a legal holiday. Court Rules require FIRST CLASS MAIL only, not certified or registered mail. The person who mailed the papers to the other party must then complete an Affidavit of Service by Mail (also attached).

Please Note:

- DO NOT have the person fill out the Affidavit of Service by Mail until AFTER they have mailed a copy of the papers to the other party.
- DO NOT have the person sign the Affidavit of Service by Mail until they are in the presence of a Notary Public or a Deputy Court Administrator.

5. File the original Notice of Motion and Motion paperwork, and the original Affidavit of Service at the Criminal Filing Desk where you obtained the court date.
6. **NOTE:** Your case will not be placed on the court's calendar until you file the original documents which must be done at least seven (7) days prior to the court date.

**COURT PERSONNEL CANNOT HELP YOU FILL OUT THE FORM(S) IN THIS PACKET.
IF YOU REQUIRE ASSISTANCE, YOU SHOULD SEEK THE ADVICE OF AN ATTORNEY.**

State of Minnesota

District Court

County of: DAKOTA

Judicial District: FIRST
Court File Number: _____
Case Type: CRIMINAL

State of Minnesota

**NOTICE OF MOTION AND MOTION
WITHDRAW A PLEA OF GUILTY
TO A CITATION**

Vs.

Name of Defendant

1. My name is: _____

2. My date of birth is: _____

3. My address and local telephone are:

4. My driver license number is: _____

5. The citation number is: _____

6. I should be allowed to withdraw my plea of guilty entered on _____ for the
following reason(s) DATE

7. This matter is set for hearing on _____(date) at _____(time)
at _____(location)

Date: _____

Signature

Printed Name

State of Minnesota

County of Dakota

District Court

Judicial District : First
Court File Number:
Case Type: Criminal

Affidavit of Service

STATE OF MINNESOTA)

COUNTY OF _____)
(County where Affidavit signed)

I, _____ being duly sworn upon oath, state that I am at
(Name of person who mailed the documents)

least 18 years of age; that on ____/____/____ I served the attached documents (**Copy of**

Notice of Motion and Motion) by mailed a true and correct copy to the following party at the

following address by placing the documents in the U.S. mail in the City of _____

with sufficient postage:

Prosecuting Attorney for the City of _____
Address _____

Dated: _____

Signature
(Sign only in front of Notary Public or Deputy Court Administrator)

Name: _____

Sworn/affirmed before me this

Address: _____

_____ day of _____, _____

City/State/Zip: _____

Telephone _____

DAKOTA COUNTY PROSECUTORS

<p>Apple Valley Prosecuting Attorney Severson, Sheldon, Dougherty & Molenda 7300 W. 147th Street, Suite 600 Apple Valley, MN 55124</p>	<p>Lilydale Prosecuting Attorney Lehmann & Lutter, PA 2113 Cliff Drive Eagan, MN 55121</p>
<p>Burnsville Prosecuting Attorney Campbell, Knutson, PA 1380 Corporate Center Curve, Suite 317 Eagan, MN 55121</p>	<p>Mendota Prosecuting Attorney Lehmann & Lutter, PA 2113 Cliff Drive Eagan, MN 55121</p>
<p>Coates Prosecuting Attorney Severson, Sheldon, Dougherty & Molenda 7300 W. 147th Street, Suite 600 Apple Valley, MN 55124</p>	<p>Mendota Heights Prosecuting Attorney Grannis & Hauge, PA 1260 Yankee Doodle Road, Suite 200 Eagan, MN 55121</p>
<p>Dakota County Attorney 1560 W Highway 55 Hastings, MN 55033</p>	<p>Rosemount Prosecuting Attorney Fluegel & Moynihan, PA 999 Westview Drive Hastings, MN 55033</p>
<p>Eagan Prosecuting Attorney Grannis & Hauge, PA 1260 Yankee Doodle Road, Suite 200 Eagan, MN 55121</p>	<p>South St. Paul Prosecuting Attorney Campbell, Knutson, PA 1380 Corporate Center Curve, Suite 317 Eagan, MN 55121</p>
<p>Farmington Prosecuting Attorney Campbell, Knutson, PA 1380 Corporate Center Curve, Suite 317 Eagan, MN 55121</p>	<p>Sunfish Lake Prosecuting Attorney LeVander, Gillen & Miller, PA 633 S. Concord, Suite 400 So. St. Paul, MN 55075</p>
<p>Hampton Prosecuting Attorney Campbell, Knutson, PA 1380 Corporate Center Curve, Suite 317 Eagan, MN 55121</p>	<p>Vermillion Prosecuting Attorney Fluegel & Moynihan, PA 999 Westview Drive Hastings, MN 55033</p>
<p>Hastings Prosecuting Attorney Fluegel & Moynihan, PA 999 Westview Drive Hastings, MN 55033</p>	<p>West St. Paul Prosecuting Attorney LeVander, Gillen & Miller, PA 633 S. Concord, Suite 400 So. St. Paul, MN 55075</p>
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<p>Lakeville Prosecuting Attorney Campbell, Knutson, PA 1380 Corporate Center Curve, Suite 317 Eagan, MN 55121</p>	