MINNESOTA
JUDICIAL BRANCH
TENTH JUDICIAL DISTRICT

INSTRUCTIONS

How to File a Motion to Withdraw Guilty Plea or Vacate Conviction in Wright County

MINNESOTA JUDICIAL BRANCH

TENTH JUDICIAL DISTRICT

INSTRUCTIONS TO FILE A MOTION TO WITHDRAW GUILTY PLEA OR VACATE CONVICTION

1. Complete the Motion to Withdraw Guilty Plea or Vacate Conviction form attached to this packet.

2. Request a Motion Hearing Court Date from Court Administration

3. Make two copies of the completed Motion. You will then have three sets of documents:
   a. Original signed Motion (to be filed with the court at a later time);
   b. Copy of Motion (to be served upon the prosecutor for the community in which the citation was issued); and
   c. Copy of Motion (to be retained for your records).

4. To serve the Prosecuting Attorney, see "Instructions for Serving Court Papers" in this packet.

5. Once service is completed, bring or mail the **original, signed** Motion, the **original, signed and notarized** Affidavit of Service to Court Administration for filing. Court Administration must receive the motion and affidavit of service at least **1 week before** the scheduled court date.

Note: the guilty plea, conviction, fine, DL suspension, and/or collections action will remain in effect until the conclusion of your motion.

INSTRUCTIONS FOR SERVING COURT PAPERS IN WRIGHT COUNTY

You can serve the copy of the Motion on the prosecutor for the city in which the citation was issued in one of two ways: by personal service or by mail.

Serving Court Papers BY PERSONAL SERVICE:

Have another party (IT CANNOT BE YOU) who is 18 or older deliver a copy of all documents to the party being served. This can be done on any day before 8:00 PM EXCEPT on legal holidays. The person who serves the papers must then complete an Affidavit of Personal Service attesting as to when and where he/she delivered the documents to the other party. That form is included in this packet.

How to complete the "Affidavit of Personal Service":

- At "County of," fill in the name of the county where the Affidavit of Personal Service is being signed.
- Fill in your name as "Plaintiff" and the citation number
- After "I," print the full name of the person (not you) who served the papers, and on what date.
- Insert the name of the city whose prosecutor is being served, and the complete address of his/her city office (*a complete listing of Wright County prosecutors, jurisdictions and office addresses are contained in this packet)*
- Print the name of the individual who accepted the documents (could be a secretary, office manager, another attorney within the office, etc.)
- **Next, the server needs to take the Affidavit to a notary public or Court Administrator/Deputy (court clerks are deputized). The server must sign the document *in the presence* of that individual.**

Once the Affidavit of Service is properly completed, signed and notarized, it should be included with the paperwork filed with the court per Instruction #5.

Serving Court Papers BY MAIL:

Have another party (IT CANNOT BE YOU) who is 18 or older mail a copy of all documents to the party being served. 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 mails the documents must then complete an Affidavit of Service by Mail attesting as to when he/she mailed the documents to the other party. That form is included in this packet.

How to complete the "Affidavit of Service by Mail":

- At "County of," fill in the name of the county where the Affidavit of Personal Service is being signed.
- Fill in your name as "Plaintiff" and the citation number
- After "I," print the full name of the person (not you) who mailed the papers, and on what date.
- Insert the name of the city whose prosecutor is being served, and the complete address of his/her city office (*a complete listing of Wright County prosecutors, jurisdictions and office addresses are contained in this packet)*
- **Next, the server needs to take the Affidavit to a notary public or Court Administrator/Deputy (court clerks are deputized). The server must sign the document *in the presence* of that individual.**

Once the Affidavit of Service is properly completed, signed and notarized, it should be included with the paperwork filed with the court per Instruction #5.

STATE OF MINNESOTA | DISTRICT COURT

COUNTY OF WRIGHT | TENTH JUDICIAL DISTRICT

_____ Plaintiff

Court File No. _____

NOTICE OF MOTION AND MOTION TO WITHDRAW GUILTY PLEA OR VACATE A CONVICTION

1. My name is: _____
2. My date of birth is: _____
3. My address and telephone number are:

   _____

   _____

4. My driver's license number is: _____
5. The citation number is: _____
6. I should be allowed to withdraw my plea of guilty or vacate the conviction entered on _____ for the following reason(s):

   _____

   _____

   _____

Hearing Date: _____ time: _____

Date: _____

_____
Signature

_____
Printed Name

STATE OF MINNESOTA)
) ss.
COUNTY OF WRIGHT)

_____ Court File No. _____
Plaintiff

AFFIDAVIT OF PERSONAL SERVICE

I, _____, being first duly sworn, state that I am at least 18 years of age, and that on the _____ day of _____, 20____, I served the following documents:

1. Copy of Notice of Motion and Motion to Withdraw a Plea of Guilty to a Citation

upon the _____ City Prosecutor personally at
(name of city)

_____
(address of city prosecutor office)

in the County of Wright, State of Minnesota, by handing to and leaving true and correct copies thereof with:

_____
(n*ame of person who accepted the documents)*

Date: _____, 20_____. _____
(signature of person serving documents)

Subscribed and sworn to before me this
_____ day of _____, 20____.

_____
Notary Public

(name and seal required)

STATE OF MINNESOTA)
) ss.
COUNTY OF WRIGHT)

_____ Court File No. _____
Plaintiff

AFFIDAVIT OF SERVICE BY MAIL

I, _____, being first duly sworn, state that I am at least 18 years of age, and that on the _____ day of _____, 20____, I served the following documents:

1. Copy of Notice of Motion and Motion to Withdraw a Plea of Guilty to a Citation

by placing in an envelope a true and correct copy of each document addressed to the _____ City Prosecutor at
(name of city)

_____
(address of city prosecutor office)

in the County of _____, State of Minnesota, by depositing the envelope, with sufficient postage, in the United States Mail.

Date: _____, 20_____. _____
(signature of person serving documents)

Subscribed and sworn to before me this
_____ day of _____, 20____.

_____
Notary Public

(name and seal required)

Wright County Prosecutors

If your offense occurred in the City of Buffalo or the City of Annandale you need to serve:

Ms. Randi Setter
200 Central Avenue
Buffalo, MN 55313

If your offense occurred in the City of Howard Lake you need to serve:

Mr. Charles Paschke
PO Box 189
Howard Lake, MN 55349

If your offense occurred anywhere else in Wright County you need to serve:

Wright County Attorney's Office
Wright County Government Center
10 2nd Street NW
Buffalo, MN 55313