**HOW TO FILE A MOTION TO WITHDRAW A PLEA OF GUILTY[[1]](#footnote-1) TO A CITATION**

**~MINNEAPOLIS~/~ST ANTHONY~/~THREE RIVERS PARK CITATIONS~**

**THIS MOTION PACKET IS TO BE USED ONLY FOR CITATIONS THAT ORIGINATED IN VIBES**

**Instructions:**

1. Obtain a court date and a copy of the citation at any of the following locations:

|  |  |  |  |
| --- | --- | --- | --- |
| Hennepin County Government Center300 S. 6th StreetPublic Service LevelMinneapolis MN 55487-0014 | Brookdale Courthouse6125 Shingle Creek PkwySuite 200Brooklyn Center MN 55430 | Ridgedale Courthouse12601 Ridgedale Dr.Suite 300, 3rd FloorMinnetonka MN 55305 | Southdale Courthouse7009 York Ave S.Suite 214, 2nd FloorEdina MN 55435 |

* Hearings for Minneapolis citations are set on the Minneapolis Motion calendars, heard Tuesdays, Wednesdays, and Thursdays, at 11:00 a.m
* Hearings for St. Anthony citations are set on the St Anthony calendar at 1:30 p.m. on the first and third Thursdays of each month @ HCGC
* Hearings for Three Rivers Park citations are set on the County Attorney Calendar (COAT) at 1:30 p.m. the fourth Thursday of the month @ HCGC
1. Fill out the attached Notice of Motion and Motion to Withdraw a Plea of Guilty and sign and date it.
2. 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.
3. 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.
* 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.

Minneapolis citations St. Anthony citations Three Rivers Park citations

|  |  |  |
| --- | --- | --- |
| Minneapolis City AttorneyCity Hall, Room 210350 South 5th Street Minneapolis, MN 55415 | Steven CarlsonSt. Anthony ProsecutorFoster, Ojile, Wentzell & Brever, LLC2855 Anthony Lane South, #201St. Anthony, MN 55418 | Office of the Hennepin County Attorney300 South Sixth StreetFloor C-2200 Suite C2168Minneapolis MN 55487 |

1. File the **original** Notice of Motion and Motion paperwork, and the **original** Affidavit of Service at any of the locations listed in step #1.
2. ***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.

|  |  |  |  |
| --- | --- | --- | --- |
| State of Minnesota |  |  | **District Court** |
| County of Hennepin |  | Judicial District: | Fourth |
|  |  | Court File Number: |  |
|  |  | Case Type: | Criminal |

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Defendant **NOTICE OF MOTION AND**

 **MOTION TO WITHDRAW A**

 **PLEA OF GUILTY TO A CITATION**

 **□ Minneapolis □ St. Anthony □ Three Rivers Park**

**Section 1**

|  |  |
| --- | --- |
| Name: | Date of Birth: |
| Address: | Driver’s License Number: |
| Phone Number: |

**Section 2.**

|  |
| --- |
| The citation number is: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ and a copy of the paid citation is attached. |

**Section 3**

|  |
| --- |
| I should be allowed to withdraw my plea of guilty entered on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ for the following reason(s):  |

**Section 4**

|  |
| --- |
| The court hearing is set for \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_, at \_\_\_\_\_\_\_\_\_\_\_ A.M./P.M., at the following location: |

Date:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Signature

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Printed name

|  |  |  |  |
| --- | --- | --- | --- |
| State of Minnesota |  |  | **District Court** |
| County of Hennepin |  | Judicial District: | Fourth |
|  |  | Court File Number: |  |
|  |  | Case Type: | Criminal |

###### Affidavit of Service

STATE OF MINNESOTA )

COUNTY OF )

 (C*ounty 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 mailing 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:

(Check one)

|  |  |  |
| --- | --- | --- |
| **□** Minneapolis City AttorneyCity Hall, Room 210350 South 5th Street Minneapolis, MN 55415 | **□** Steven CarlsonSt. Anthony ProsecutorFoster, Ojile, Wentzell & Brever, LLC2855 Anthony Lane South, #201St. Anthony, MN 55418 | **□** Office of the Hennepin County Attorney300 South Sixth StreetFloor C-2200 Suite C2168Minneapolis MN 55487 |

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: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Notary Public \ Deputy Court Administrator

1. This statutory notice was provided at the time of your citation: Minnesota Statute §169.91, subd. 3, provides in part, that failure to appear for a petty misdemeanor will be considered a plea of guilty and a waiver of the right to trial. [↑](#footnote-ref-1)