

HOW TO FILE A MOTION TO WITHDRAW A PLEA OF GUILTY¹ TO A PAYABLE CITATION

Use this form if:

- You received a payable citation; AND
- You were found guilty because you did not appear; OR
- You entered a guilty plea by paying all or part of the fine; OR
- You entered a guilty plea before a Hearing Officer; AND
- You want the court to reopen your case.

NOTE: The hearing scheduled for this motion is NOT a hearing on the citation or whether or not you are guilty of the offense(s). It is a hearing to determine whether the plea of guilty can be withdrawn on your citation.

If you have any questions regarding your legal rights and remedies, you should seek legal advice. You may find resources for getting legal advice at the Hennepin County Government Center Self-Help Center and online at www.mncourts.gov/helptopics. Click on the topic titled “Find a Lawyer” or “Legal Advice Clinics.”

Step by Step Instructions

1. Fill out the attached *Notice of Motion and Motion to Withdraw a Plea of Guilty* form.
2. Contact the court to receive a hearing date and time for the review. You will need it to fill out the Notice of Motion and Motion form. You can contact by phone at 612-348-2040, or in person at any Hennepin court location (see attached list of courthouses).
3. Write the hearing information into the Notice of Motion and Motion to Withdraw a Plea of Guilty form.
4. Make two copies of the completed Notice of Motion and Motion form. The original is for the court (see #7 below). One copy is for you.
5. The second copy must be mailed or hand-delivered to the city prosecutor for your case. (See attached list of city prosecutors.) You can do this, or you can ask someone else over the age of 18 to do this for you.
6. **After** the copy of the motion has been mailed/delivered, the person who mailed/delivered it must complete the attached Proof of Service.
7. **File** the **original** Notice of Motion and Motion (the one you filled out – not a copy) and the completed Proof of Service **at least seven (7) calendar days before the hearing**. You can file these documents in one of these ways:
 - in person at any Hennepin court location (see attached list of courthouses)
 - mail to the Violations Bureau at 300 South Sixth Street, Minneapolis, MN 55487.
 - eFile using the eFile & Serve system.Your case will not be on the calendar if you don't file on time.
8. Do not be late for your hearing. Plan on arriving early because you will have to go through weapons screening. If you get to the courtroom even a few minutes late, your motion may be denied if your case was already heard and you were not there.

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.

State of Minnesota

County of Hennepin

District Court

Judicial District: Fourth

Court File Number: _____

Citation Number: _____

Case Type: Criminal

STATE OF MINNESOTA

vs.

**NOTICE OF MOTION AND MOTION TO WITHDRAW
A PLEA OF GUILTY
Minn. Stat. §609.491**

Defendant

1. I ask the Court for an order allowing me to withdraw my plea and vacating my conviction.
2. I should be allowed to withdraw my plea, and the Court should vacate my conviction, because:

3. The court hearing is set for _____, 20____, at _____ A.M./P.M.

4. The hearing will be held at the following address (*check one*):

- Downtown Courthouse / Govt. Center / 300 Sixth Street South / Minneapolis, MN 55487
- Downtown Courthouse / Public Safety Facility / 401 Fourth Avenue South / Minneapolis, MN 55487
- Brookdale Courthouse / 6125 Shingle Creek Parkway / Brooklyn Center, MN 55430
- Ridgedale Courthouse / 12601 Ridgedale Drive / Minnetonka, MN 55305

Date

Defendant Signature

Printed name

VERIFICATION AND ACKNOWLEDGEMENTS

By presenting this form to the court, I certify that to the best of my knowledge, information, and belief, the following statements are true. I understand that if a statement is not true, the court can order a penalty against me (such as to pay money to the other party, pay court costs, and/or other penalties).

1. The information I included in this form is based on facts and supported by existing law.
2. I am not presenting this form for any improper purpose. I am not using this form to:
 - a. Harass anyone;
 - b. Cause unnecessary delay in the case; or
 - c. Needlessly increase the cost of litigation.
3. I understand that the existing order remains in full force and effect until a new order is issued.
4. I understand that I must continue to comply with the existing order until a new order is issued.
5. I understand that the judge will decide:
 - a. Whether I may submit new information; and
 - b. Whether there will be a hearing.
6. The court will let the parties know if my request is granted.

Date

Defendant signature

Printed Name

Address

City, State, Zip

Phone number

Email address

County of Hennepin

Judicial District:	Fourth
Court File Number:	_____
Citation Number:	_____
Case Type:	Criminal

Proof of Service

I, _____, state under penalty of perjury that:
Name of person who mailed/delivered the documents

- 1. I am at least 18 years of age;
- 2. On _____, I served the attached documents (**Copy Notice of Motion and Motion to Withdraw**
Date

a **Plea of Guilty**) on the prosecutor listed below on by:

- mailing the documents through U.S. mail with sufficient postage and addressing it to the following address; OR
- by hand-delivery to:

Prosecuting Attorney for the City of _____
Address _____

I declare under penalty of perjury that everything I have stated in this document is true and correct. Minn. Stat. § 358.116

Date

Signature of person who mailed/delivered the documents

County and state where signed

Print Name: _____

Address: _____

City/State/Zip: _____

Telephone: _____

Email: _____

Hennepin County City Prosecutors

<p>Bloomington Prosecuting Attorney City of Bloomington 1800 West Old Shakopee Rd Bloomington, MN 55431</p>	<p>Independence Prosecuting Attorney Carson, Clelland & Schreder 6300 Shingle Creek Pkwy, Suite 305 Brooklyn Center, MN 55430</p>	<p>Orono Prosecuting Attorney Law Offices of Steven M Tallen 920 Second Ave S, Suite 1540 Minneapolis, MN 55402</p>
<p>Brooklyn Center Prosecuting Attorney Carson, Clelland & Schreder 6300 Shingle Creek Pkwy, Suite 305 Brooklyn Center, MN 55430</p>	<p>LMCD Prosecuting Attorney Law Offices of Steven M Tallen 920 Second Ave S, Suite 1540 Minneapolis, MN 55402</p>	<p>Osseo Prosecuting Attorney Paul Baertschi Berglund, Baumgartner, Kimball, and Glaser, LLC 2140 4th Ave N Anoka, MN 55303</p>
<p>Brooklyn Park Prosecuting Attorney Colich & Associates 420 Lumber Exchange 10 So 5th Street Minneapolis, MN 55402</p>	<p>Long Lake Prosecuting Attorney Carson, Clelland & Schreder 6300 Shingle Creek Pkwy, Suite 305 Brooklyn Center, MN 55430</p>	<p>Plymouth Prosecuting Attorney Campbell Knutson PA 860 Blue Gentian Road, Suite 290 Eagan, MN 55121</p>
<p>Champlin Prosecuting Attorney Barna, Guzy & Steffen, Ltd. 400 Northtown Financial Plaza 200 Coon Rapids Blvd Minneapolis, MN 55433-5894</p>	<p>Loretto Prosecuting Attorney Law Offices of Steven M Tallen 920 Second Ave S, Suite 1540 Minneapolis, MN 55402</p>	<p>Richfield Prosecuting Attorney Greg Holly HJ Law, LLC 6700 Portland Ave South Richfield, MN 55423</p>
<p>Corcoran Prosecuting Attorney Carson, Clelland & Schreder 6300 Shingle Creek Pkwy, Suite 305 Brooklyn Center, MN 55430</p>	<p>Maple Grove Prosecuting Attorney Andrew Draper Maple Grove Government Center 12800 Arbor Lakes Parkway N Maple Grove, MN 55369</p>	<p>Robbinsdale Prosecuting Attorney Eckberg Lammers 1809 Northwestern Ave Stillwater, MN 55082</p>
<p>Crystal Prosecuting Attorney Eckberg Lammers 1809 Northwestern Ave Stillwater, MN 55082</p>	<p>Maple Plain Prosecuting Attorney Carson, Clelland & Schreder 6300 Shingle Creek Pkwy, Suite 305 Brooklyn Center, MN 55430</p>	<p>Rockford Prosecuting Attorney Paul Baertschi Berglund, Baumgartner, Kimball, and Glaser, LLC 2140 4th Ave N Anoka, MN 55303</p>
<p>Dayton Prosecuting Attorney Carson, Clelland & Schreder 6300 Shingle Creek Pkwy, Suite 305 Brooklyn Center, MN 55430</p>	<p>Medicine Lake Prosecuting Attorney Chestnut & Cambronne PA 100 Washington Ave South, Suite 1700 Minneapolis, MN 55401</p>	<p>Rogers Prosecuting Attorney Carson, Clelland & Schreder 6300 Shingle Creek Pkwy, Suite 305 Brooklyn Center, MN 55430</p>
<p>Deephaven Prosecuting Attorney Law Offices of Steven M Tallen 920 Second Ave S, Suite 1540 Minneapolis, MN 55402</p>	<p>Medina Prosecuting Attorney Law Offices of Steven M Tallen 920 Second Ave S, Suite 1540 Minneapolis, MN 55402</p>	<p>St. Anthony Prosecuting Attorney Steven Carlson 2633 Innsbruck Drive, Suite A New Brighton, MN 55112</p>
<p>Eden Prairie Prosecuting Attorney Gregerson, Rosow, Johnson & Nilan 100 Washington Ave South, Suite 1550 Minneapolis, MN 55401</p>	<p>Metropolitan Airport Commission Prosecuting Attorney Chestnut & Cambronne PA 100 Washington Ave South, Suite 1700 Minneapolis, MN 55401-2138</p>	<p>St. Bonifacius Prosecuting Attorney Kenneth Potts Law Firm 5101 Thimsen Avenue, Suite 200 Minnetonka, MN 55345</p>
<p>Edina Prosecuting Attorney Leach Law Office 6465 Wayzata Blvd, Suite 115 St. Louis Park, MN 55426</p>	<p>Metropolitan Transit – MOA – Prosecuting Attorney City of Bloomington 1800 West Old Shakopee Rd Bloomington, MN 55431</p>	<p>St. Louis Park Prosecuting Attorney Colich & Associates, 420 Lumber Exchange 10 So 5th Street Minneapolis, MN 55402</p>
<p>Excelsior Prosecuting Attorney Kenneth Potts Law Firm 5101 Thimsen Avenue, Suite 200 Minnetonka, MN 55345</p>	<p>Minneapolis City Attorney City Hall, Room 210 350 South 5th Street Minneapolis, MN 55415</p>	<p>Shorewood Prosecuting Attorney Campbell Knutson PA 860 Blue Gentian Road, Suite 290 Eagan, MN 55121</p>
<p>Golden Valley Prosecuting Attorney Chestnut & Cambronne PA 100 Washington Ave South, Suite 1700 Minneapolis, MN 55401-2138</p>	<p>Minnetonka Prosecuting Attorney City of Minnetonka 14600 Minnetonka Blvd Minnetonka, MN 55345</p>	<p>Spring Park Prosecuting Attorney Carson, Clelland & Schreder 6300 Shingle Creek Pkwy, Suite 305 Brooklyn Center, MN 55430</p>
<p>Greenfield Prosecuting Attorney Carson, Clelland & Schreder 6300 Shingle Creek Pkwy, Suite 305 Brooklyn Center, MN 55430</p>	<p>Minnetonka Beach Prosecuting Attorney Kenneth Potts Law Firm 5101 Thimsen Avenue, Suite 200 Minnetonka, MN 55345</p>	<p>Three Rivers Park District / Ft. Snelling citations Office of the Hennepin County Attorney 300 South Sixth Street Floor C-2100 Suite C2168 Minneapolis, MN 55487</p>
<p>Greenwood Prosecuting Attorney Campbell Knutson PA 860 Blue Gentian Road, Suite 290 Eagan, MN 55121</p>	<p>Minnetrista Prosecuting Attorney Kenneth Potts Law Firm 5101 Thimsen Avenue, Suite 200 Minnetonka, MN 55345</p>	<p>Tonka Bay Prosecuting Attorney Campbell Knutson PA 860 Blue Gentian Road, Suite 290 Eagan, MN 55121</p>
<p>Hanover Prosecuting Attorney Carson, Clelland & Schreder 6300 Shingle Creek Pkwy, Suite 305 Brooklyn Center, MN 55430</p>	<p>Mound Prosecuting Attorney Kenneth Potts Law Firm 5101 Thimsen Avenue, Suite 200 Minnetonka, MN 55345</p>	<p>Wayzata Prosecuting Attorney Jeffrey W. Lambert, P.A. 1000 Twelve Oaks Center Drive, Suite 100 Wayzata, MN 55391</p>
<p>Hopkins Prosecuting Attorney Chestnut & Cambronne PA 100 Washington Ave South, Suite 1700 Minneapolis, MN 55401</p>	<p>New Hope Prosecuting Attorney Jensen, Sondrall, Persellin & Woods, PA 8525 Edinbrook Crossing, Suite 201 Brooklyn Park, MN 55443</p>	<p>Woodland Prosecuting Attorney Law Offices of Steven M Tallen 920 Second Ave S, Suite 1540 Minneapolis, MN 55402</p>

Hennepin County Criminal Court Locations

Locations	City Cases Heard
<p>Downtown Courthouse (Division 1) Hennepin County Government Center 300 Sixth Street South Minneapolis, MN 55487 612.348.2040</p>	<p>Airport (MAC), Bloomington, Ft. Snelling, Golden Valley, Minneapolis, Richfield, and Three Rivers Park District.</p>
<p>Brookdale Courthouse (Division 2) 6125 Shingle Creek Parkway Brooklyn Center, MN 55430 612.348.2040</p>	<p>Brooklyn Center, Brooklyn Park, Champlin, Corcoran, Crystal, Dayton, Greenfield, Hanover, Maple Grove, New Hope, Osseo, Robbinsdale, Rockford, Rogers, and St. Anthony (parts in Hennepin County).</p>
<p>Ridgedale Courthouse (Division 3) 12601 Ridgedale Drive, Suite 300 Minnetonka, MN 55305 612.348.2040</p>	<p>Deephaven, Eden Prairie, Edina, Excelsior, Greenwood, Hopkins, Independence, LMCD, Long Lake, Loretto, Maple Plain, Medicine Lake, Medina, Minnetonka, Minnetonka Beach, Minnetrista, Mound, Orono, Plymouth, Shorewood, Spring Park, St. Bonifacius, St. Louis Park, Tonka Bay, Wayzata and Woodland.</p>