

## 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.

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)  
\_\_\_\_\_ (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 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:

Prosecuting Attorney for the City of _____ Address _____ _____ _____
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Dated: \_\_\_\_\_  
Signature

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

Dated: \_\_\_\_\_  
Signature

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_

DAKOTA COUNTY PROSECUTORS

<p><b>Apple Valley Prosecuting Attorney</b>  Dougherty, Molenda, Solfest, Hills &amp; Bauer  14985 Glazier Avenue, Suite 525  Apple Valley, MN 55124</p>	<p><b>Lilydale Prosecuting Attorney</b>  LeVander, Gillen &amp; Miller, PA  633 S. Concord, Suite 400  So. St. Paul, MN 55075</p>
<p><b>Burnsville Prosecuting Attorney</b>  Campbell, Knutson, PA  860 Blue Gentian Road, Suite 290  Eagan, MN 55121</p>	<p><b>Mendota Prosecuting Attorney</b>  Lehmann &amp; Lutter, PA  2113 Cliff Drive  Eagan, MN 55121</p>
<p><b>Coates Prosecuting Attorney</b>  Dougherty, Molenda, Solfest, Hills &amp; Bauer  14985 Glazier Avenue, Suite 525  Apple Valley, MN 55124</p>	<p><b>Mendota Heights Prosecuting Attorney</b>  Grannis &amp; Hauge, PA  1260 Yankee Doodle Road, Suite 200  Eagan, MN 55121</p>
<p><b>Dakota County Attorney</b>  1560 W Highway 55  Hastings, MN 55033</p>	<p><b>Rosemount Prosecuting Attorney</b>  Fluegel &amp; Moynihan, PA  999 Westview Drive  Hastings, MN 55033</p>
<p><b>Eagan Prosecuting Attorney</b>  Campbell, Knutson, PA  860 Blue Gentian Road, Suite 290  Eagan, MN 55121</p>	<p><b>South St. Paul Prosecuting Attorney</b>  Campbell, Knutson, PA  1380 Corporate Center Curve, Suite 317  Eagan, MN 55121</p>
<p><b>Farmington Prosecuting Attorney</b>  Campbell, Knutson, PA  860 Blue Gentian Road, Suite 290  Eagan, MN 55121</p>	<p><b>Sunfish Lake Prosecuting Attorney</b>  LeVander, Gillen &amp; Miller, PA  633 S. Concord, Suite 400  So. St. Paul, MN 55075</p>
<p><b>Hampton Prosecuting Attorney</b>  LeVander, Gillen &amp; Miller, PA  633 S. Concord, Suite 400  So. St. Paul, MN 55075</p>	<p><b>Vermillion Prosecuting Attorney</b>  Fluegel &amp; Moynihan, PA  999 Westview Drive  Hastings, MN 55033</p>
<p><b>Hastings Prosecuting Attorney</b>  Fluegel &amp; Moynihan, PA  999 Westview Drive  Hastings, MN 55033</p>	<p><b>West St. Paul Prosecuting Attorney</b>  LeVander, Gillen &amp; Miller, PA  633 S. Concord, Suite 400  So. St. Paul, MN 55075</p>
<p><b>Inver Grove Heights Prosecuting Attorney</b>  LeVander, Gillen &amp; Miller, PA  633 S. Concord, Suite 400  So. St. Paul, MN 55075</p>	
<p><b>Lakeville Prosecuting Attorney</b>  Campbell, Knutson, PA  860 Blue Gentian Road, Suite 290  1380 Corporate Center Curve, Suite 317  Eagan, MN 55121</p>	