

**MINNESOTA  
JUDICIAL BRANCH**  
TENTH JUDICIAL DISTRICT

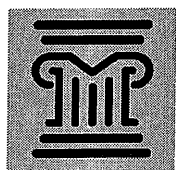
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# **INSTRUCTIONS**

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

**Washington  
County**



# MINNESOTA JUDICIAL BRANCH

## TENTH JUDICIAL DISTRICT

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

1. Obtain a copy of the citation from the Criminal and Traffic Division.
2. Complete the “Notice of Motion and Motion to Withdraw a Plea of Guilty to a Citation” form attached to this packet.
3. Make two copies of the completed Motion and citation. You will then have three sets of documents:
  - a. Original signed Motion, with copy of citation attached (to be filed with the court at a later time);
  - b. Copy of Motion, with copy of citation attached (to be served upon the City Attorney for the community in which the citation was issued); and
  - c. Copy of Motion, with copy of citation attached (to be retained for your records).
4. To serve the City Attorney for the community in which the citation was issued, see “Instructions for Serving Court Papers” in this packet.
5. Once service is completed, bring the **original, signed** Motion (with attached copy of citation) and the **original, signed and notarized** Affidavit of Service (after completing the appropriate form—by mail or in person—contained in this packet) to the Criminal and Traffic Division for filing. It is at this point you will be given a court date for your motion.

***Note: the guilty plea, conviction, fine, DL suspension, and/or collections action will remain in effect until the disposition of your motion. If you would like an expedited date, please notify the clerk when you submit your paperwork.***

## **INSTRUCTIONS FOR SERVING COURT PAPERS IN WASHINGTON COUNTY**

You can “serve” the copy of the Motion on the City Attorney 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”:**

1. At “County of,” identify the name of the county where the Affidavit of Personal Service is being signed
2. Add your name as “Plaintiff” and the citation number
3. Print the full name of the person (not you) who served the papers, and add the date of service
4. Insert the name of the city whose prosecutor is being served, and the complete address of his/her city office (you may obtain the name/address of the city prosecutor by contacting the city offices)
5. Print the name of the individual who accepted the documents (could be a secretary, office manager, another attorney within the office, etc.)
6. **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.

### **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”:**

1. At “County of,” identify the name of the county where the Affidavit of Personal Service is being signed
2. Add your name as “Plaintiff” and the citation number
3. Print the full name of the person (not you) who mailed the papers, and add the date of service
4. Insert the name of the city whose prosecutor is being served, and the complete address of his/her city office (you may obtain the name/address of the city prosecutor by contacting the city offices)
5. **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.

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF WASHINGTON

TENTH JUDICIAL DISTRICT

\_\_\_\_\_  
Plaintiff

Court File No. \_\_\_\_\_

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

1. My name is: \_\_\_\_\_

2. My date of birth is: \_\_\_\_\_

3. My address and local 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 entered on \_\_\_\_\_ for the following reason(s):

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

**NOTE: Court Administration will assign a motion hearing date after the attached Affidavit of Service is completed and filed with the court.**

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

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

**State of Minnesota**

**District Court**

County \_\_\_\_\_

Judicial District: \_\_\_\_\_  
Court File Number: \_\_\_\_\_  
Case Type: \_\_\_\_\_

\_\_\_\_\_  
Plaintiff/Petitioner

and

**Affidavit of Personal Service**

\_\_\_\_\_  
Defendant/Respondent

STATE OF MINNESOTA )  
 ) SS  
COUNTY OF \_\_\_\_\_ )  
(County where Affidavit signed)

I, \_\_\_\_\_, being sworn, state that I am at least  
(Name of person who hand-delivered documents)

18 years of age having been born on \_\_\_\_\_, and that on \_\_\_\_\_

\_\_\_\_\_, I served the \_\_\_\_\_  
(list all papers handed to the other party)

\_\_\_\_\_ upon \_\_\_\_\_  
(list all papers handed to the other party) (Name of other party)

by handing a true and correct copy of the documents to him/her at \_\_\_\_\_  
(street address, city, state)

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

\_\_\_\_\_  
Signature (Sign only in front of notary public or court administrator.)

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

Sworn/affirmed before me this

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

\_\_\_\_\_ day of \_\_\_\_\_.

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

\_\_\_\_\_  
Notary Public \ Deputy Court Administrator

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

**State of Minnesota**

County \_\_\_\_\_

**District Court**

Judicial District: \_\_\_\_\_

Court File Number: \_\_\_\_\_

Case Type: \_\_\_\_\_

\_\_\_\_\_  
Petitioner / Plaintiff

and / vs

**Affidavit of Service by Mail**

\_\_\_\_\_  
Respondent / Defendant

STATE OF MINNESOTA )  
 ) SS  
COUNTY OF \_\_\_\_\_ )  
(County where Affidavit signed)

I, \_\_\_\_\_, state that I am at least 18 years of  
(Name of person who mailed documents)

age having been born on \_\_\_\_\_, and that on \_\_\_\_\_

I served the following papers \_\_\_\_\_  
(list all papers mailed to the other party)

upon \_\_\_\_\_ by placing in an envelope a true and correct  
(Name of other party)

copy of each document addressed to \_\_\_\_\_

at \_\_\_\_\_ in the City of \_\_\_\_\_, State

of \_\_\_\_\_, Zip Code \_\_\_\_\_ and depositing the envelope, with sufficient

postage, in the United States Mail at the Post Office located in the City of \_\_\_\_\_

in the State of \_\_\_\_\_.

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

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

\_\_\_\_\_  
Signature

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

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

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

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

E-mail address: \_\_\_\_\_