**IN THE \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

*(Justice Court, Justice Court of Record, Municipal Court, City Court, City Court of Record)*

 **COUNTY OF \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, STATE OF MONTANA**

 *(County)*

|  |  |
| --- | --- |
| State of Montanavs. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Defendant. | **Case No:** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ *(put your case number here)*Motion to Withdraw Guilty Plea, Dismiss Charges, and Seal Case  |

1. I am the Defendant in this case.
2. I am asking that:
	1. the court withdraw my guilty plea or strike the guilty verdict.
	2. all records and data relating to my charge(s) be treated as confidential information and may only be obtained by district court order.
3. I [ ]  was [ ]  was not fingerprinted, and/or photographed.
4. I fully complied with my sentence. Check all that apply

[ ]  Fines paid in full [ ]  ACT/MIP/Treatment [ ]  Recovery Program

[ ]  Community Service [ ]  Classes/Counseling [ ]  Traffic School

[ ]  Other: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

1. Since the date of my conviction in this case,

I [ ]  was [ ]  was not charged with a violation of federal, state, or local law.

I [ ]  was [ ]  was not charged with any traffic offense.

If yes, explain. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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1. I have attached the following documents:

[ ]  Criminal history

[ ]  Driving record

[ ]  Traffic School Certificate of Completion

[ ]  Other: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

1. [ ]  I have contacted the prosecutor about this motion.

 The prosecutor [ ]  objects [ ]  does not object to this motion.

[ ]  I have tried to contact the prosecutor, but do not know if the prosecutor objects to this motion.

1. On \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, \_\_\_\_\_\_\_\_\_\_\_

*(date mailed or delivered)*

 *(Check the appropriate box)*

[ ]  I paid the correct amount of postage and mailed a copy of this motion to the prosecutor by first class mail to:

Prosecutor’s name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

address: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

city, zip: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

[ ]  I hand-delivered a copy of this motion to the prosecutor’s office.

**I declare under penalty of perjury and under the laws of the State of Montana that the foregoing is true and correct. I understand that giving false information in this petition is a crime.**

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

Place of Signature: City \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ State \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Your Signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_