Garden State CLE presents:

Vacating Guilty Pleas in DWI Cases

Lesson Plan

Part I – In general

1. Utility – An order vacating a guilty plea restores the parties to the *status quo ante*. There is now an unresolved DWI ticket and related complaints that must be adjudicated. In addition, some or all of the previous sentence may have already been served.

a.) NEVER make an issue about returning any portion of fines that have already been paid. Although your client is legally entitled to them, the return of fines and costs can be an enormous psychological obstacle to successful advocacy. The best procedure is to request that the fines be transferred to the bail account and held until the case is resolved. Always try to structure a resolution where no fines have to be returned (i.e. a sanction under R. 1:2-4 based upon previous FTA or other administrative misconduct.

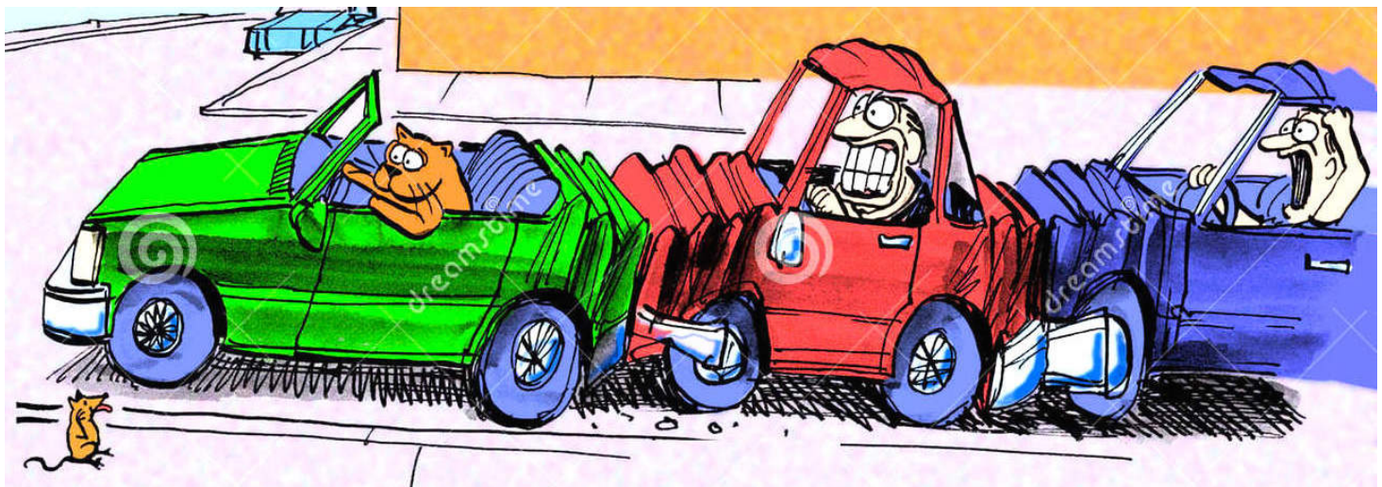
b.) MF-1 Card – It is vitally important that a record of the vacated conviction and sentence be communicated to the New Jersey Motor Vehicle Commission (MVC) by way of a "Corrected MF-1 card". This card is prepared and faxed to MVC by the Court Administrator. It is the only way that the conviction will be expunged from your client's DMV driving history. An entry in the ATS system will not accomplish this. Include a statement about the MF-1 card in your vacating order. ["and; it is further ordered that a record of this Court's order vacating the plea and sentence previously entered in this matter be sent to the Chief Administrator of the New Jersey Motor Vehicle Commission by way of a corrected MF-1 card by the Court Administrator."]

c.) Use of vacated convictions in NJSA 2C:40-26 cases – State v. Sylvester, 437 NJ Super. 1, 6-7 (App. Div. 2014).

'The record stipulated by the parties shows defendant drove her car on March 25, 2012, knowing that her driving privileges had been suspended for two years approximately nineteen months earlier, on February 17, 2011.

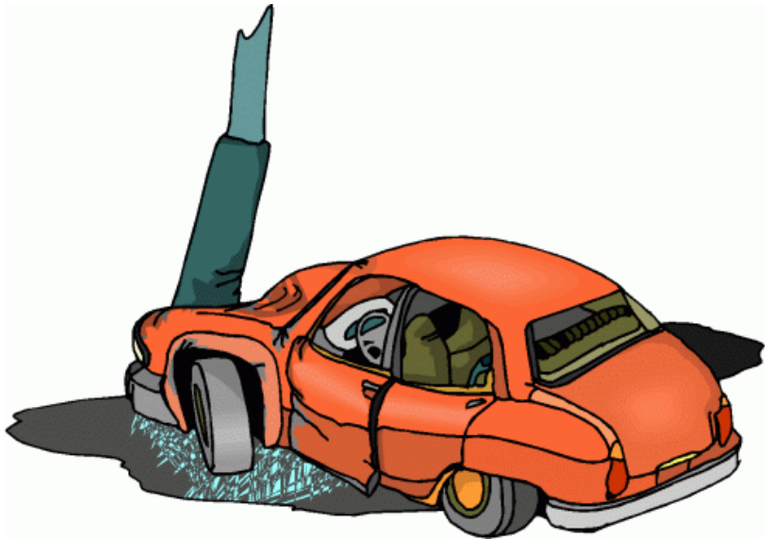
Defendant nevertheless argues, as she did before Judge Reed, that the post-conviction relief granted by the Mendham Municipal Court vacating her February 17, 2011 DWI conviction voided that conviction *ab initio,* thus precluding the State from relying on this conviction to meet its burden of proof under *N.J.S.A.*2C:40–26b. This argument is without merit. As our Supreme Court has made clear:

We insist on compliance with judicial orders to promote order and respect for the judicial process. Compliance is required, under pain of penalty, unless and until an individual is excused from the order's requirements. Thus, as long as a court order exists and a defendant has knowledge of it, the defendant may be prosecuted for a violation thereof, regardless of its deficiencies.



We must emphasize that defendant stipulated she knew her license was suspended pursuant to a presumptively valid court order when she drove her car on March 25, 2012. Defendant has not come forward with any explanation that would mitigate her decision to defy this order by driving her car on the day in question. This was not a case in which an unforeseen emergency compelled defendant to undertake a course of action that she would not have taken under ordinary circumstances. Absent any mitigation, her actions can be reasonably characterized as contemptuous of the court's authority. As Judge Reed correctly noted in his memorandum of opinion, '[a]llowing a defendant to evade prosecution by going back to the municipal court and having the underlying conviction vacated would frustrate the legitimacy of legislation and reliability of court orders.'"

d.) Post-motion disposition – Generally, you will find prosecutors will be disinclined to try these cases. This is due to the age of the case and the fact that no additional sanctions will be imposed in the event of a conviction. Since the defendant has usually served some or all of the previous sentence and no useful purpose would be served by re-trying the case, a dismissal of the underlying complaint or a plea agreement to a lesser charge is a good outcome.



Part II – Applicable Rules of Court & Time Limitations

a.) Plea Withdrawal - Rule 7:6-2(b)

Withdrawal of Plea. A motion to withdraw a plea of guilty shall be made before sentencing, but the court may permit it to be made thereafter to correct a manifest injustice.

1. Pre-sentence – "Interest of Justice" standard

[Rare event in municipal court]

2. Post-sentencing – Correct a manifest injustice

[Efforts to withdraw a plea after sentencing must be substantiated by strong, compelling reasons.]

3. No time limitations in municipal court.

b.) 7:10-1. New Trial

On defendant's motion, the court may, pursuant to the time limitations of this rule, grant the defendant a new trial if required in the interest of justice. The court may vacate the judgment if already entered, take additional testimony, and direct the entry of a new judgment. A motion for a new trial, based on the ground of newly discovered evidence, shall be made within two years after entry of a final judgment. A motion for a new trial on the grounds of fraud or lack of jurisdiction may be made at any time. A motion for a new trial, based on any other grounds, shall be made within twenty days after the entry of judgment of conviction or within such further time as the court fixes during the twenty-day period.

Time may not be enlarged R. 1:3-4(c).

Obviously, not applicable in instances involving conviction resulting from a plea unless the case had been partially tried before the plea was entered.

c.) 7:10-2. Post-Conviction Relief

[This is a civil proceeding with the burden of proof set at a preponderance of the evidence. The burden of production is on the petitioner. This motion is not a substitute for a direct appeal. Typically, it will require a hearing since the basis for the application is outside of the trial record e.g. ineffective assistance of counsel.]

- (a) Petition for Relief. **A person convicted of an offense may, pursuant to this rule, file with the municipal court administrator of the municipality in which the conviction took place, a petition for post-conviction relief captioned in the action in which the conviction was entered.**

- (b) Limitations and Exclusiveness.
  - (1) **A petition to correct an illegal sentence may be filed at any time.**
  - (2) **A petition based on any other grounds shall not be accepted for filing more than five years after entry of the judgment of conviction or imposition of the sentence sought to be attacked, unless it alleges facts showing that the delay in filing was due to defendant's excusable neglect.**
  - (3) **A petition for post-conviction relief shall be the exclusive means of challenging a judgment of conviction, except as otherwise required by the Constitution of New Jersey, but it is not a substitute for appeal from a conviction or for a motion incident to the proceedings in the trial court, and may not be filed while appellate review or the filing of a motion in the municipal court is available.**

- (c) Grounds. **A petition for post-conviction relief is cognizable if based on any of the following grounds:**
  - (1) **substantial denial in the conviction proceedings of defendant's rights under the Constitution of the United States or the Constitution or laws of New Jersey;**
  - (2) **lack of jurisdiction of the court to impose the judgment rendered on defendant's conviction;**
  - (3) **imposition of sentence in excess of or otherwise not in accordance with the sentence authorized by law; or**
  - (4) **any ground previously available as a basis for collateral attack on a conviction by habeas corpus or any other common law or statutory remedy.**

- (d) Bar of Grounds Not Raised in Prior Proceedings; Exceptions.
  - (1) **The defendant is barred from asserting in a proceeding under this rule any grounds for relief not raised in a prior proceeding under this rule, or in the proceedings resulting in the conviction, or in a post-conviction proceeding brought and decided prior to the adoption of R. 3:22-4, or in any appeal taken in any of those proceedings, unless the court on motion or at the hearing finds that:**
    - (A) **the grounds for relief not previously asserted could not reasonably have been raised in any prior proceeding;**
    - (B) **enforcement of the bar would result in fundamental injustice; or**
    - (C) **denial of relief would be contrary to the Constitution of the United States or of New Jersey.**
  - (2) **A prior adjudication on the merits of any grounds for relief asserted in the petition is conclusive, whether made in the proceedings resulting in the conviction or any prior post-conviction proceeding, or in any appeal taken from those proceedings.**

Time limitation under Rule 7:10-2(b)(2) can be relaxed in the interests of justice under rule 1:1-2 or based upon the defendant's excusable neglect. See generally State v. Mitchell, 126 NJ 585 (1992).

d.) 7:10-2(g). *Laurick* relief

State v. Laurick, 120 NJ 1 (1990).

[This application does not vacate the plea. Generally it is not useful for cases after March 23, 1998, the date the municipal court public defender statute went into effect. See NJSA 2B:24-1 et seq.]

(g) Petition to Obtain Relief from an Enhanced Custodial Term Based on a Prior Conviction

- (1) Venue. **A post-conviction petition to obtain relief from an enhanced custodial term based on a prior conviction shall be brought in the court where the prior conviction was entered.**
- (2) Time Limitations. **The time limitations for filing petitions for post-conviction relief under this section shall be the same as those set forth in R. 7:10-2(b)(2).**
- (3) Procedure. **A petition for post-conviction relief sought under this section shall be in writing and shall conform to the requirements of Rule 7:10-2(f). In addition, the moving papers in support of such an application shall include, if available, records related to the underlying conviction, including, but not limited to, copies of all complaints, applications for assignment of counsel, waiver forms and transcripts of the defendant's first appearance, entry of guilty plea and all other municipal court proceedings related to the conviction sought to be challenged . The petitioner shall account for any unavailable records by way of written documentation from the municipal court administrator or the custodian of records, as the case may be.**
- (4) Appeal. **Appeals from a denial of post-conviction relief from the effect of a prior conviction shall be combined with any appeal from proceedings involving the repeat offense. Appeals by the State may be taken under R. 3:23-2(a).**

Time limitation under Rule 7:10-2(g) can be relaxed in the interests of justice under rule 1:1-2 if the petitioner can make a *prima facie* case in his pleadings. See generally State v. Bringhurst, 401 NJ Super. 421 (App. Div. 2008).

Part III – Lack of factual basis for plea.

[Comment - By far, this will be the best option in most DWI plea vacating applications under rule 7:6-2(b), provided you can obtain a transcript of the plea colloquy. No *Slater* factors necessary and review on appeal following denial by the motion judge is *de novo*.]

a.) 7:6-2. Pleas, Plea Agreements

- (a) Pleas Allowed, Guilty Plea.
  - (1) Generally. **A defendant may plead not guilty or guilty, but the court may, in its discretion, refuse to accept a guilty plea. Except as otherwise provided by Rules 7:6-2, 7:6-3, and 7:12-3, the court shall not, however, accept a guilty plea without first addressing the defendant personally and determining by inquiry of the defendant and, in the court's discretion, of others, that the plea is made voluntarily with understanding of the nature of the charge and the consequences of the plea and that there is a factual basis for the plea. Prior to accepting a guilty plea when an unrepresented defendant faces a consequence of magnitude, the judge shall make a finding on the record that the court is satisfied that the defendant's waiver of the right to counsel is knowing and intelligent. On the request of the defendant, the court may, at the time of the acceptance of a guilty plea, order that the plea shall not be evidential in any civil proceeding. If a defendant refuses to plead or stands mute or if the court refuses to accept a guilty plea, the court shall enter a plea of not guilty. If a guilty plea is entered, the court may hear the witnesses in support of the complaint prior to judgment and sentence and after such hearing may, in its discretion, refuse to accept the plea.**

See generally Maida v. Kuskin, 221 NJ 112,123 (2015)

The *Rule* thus contemplates that the plea be made in open court, that the municipal court judge make a sufficient inquiry to conclude that any plea [be] knowing and voluntary, and that there be a factual basis for the plea. . Furthermore, any request to bar the use of a guilty plea in a civil proceeding must be made in open court at the time of the plea. Guilty pleas that do not follow this basic structure are subject to reversal. The necessity of providing a record that permits a municipal court judge to find that a guilty plea is knowing and voluntary and that there is factual support for the plea is intended to mirror the protections of *Rule* 3:9–2, which governs the entry of guilty pleas in Superior Court.

[See State v. Colon, 374 *N.J.Super.* 199, 210–12, 863 *A.*2d 1108 (App.Div.2005) (describing municipal court proceeding as "irregular" in part due to entry of guilty plea without factual basis or ascertainment of defendant's understanding of consequences of plea); State v. Martin, 335 *N.J.Super.* 447, 450–52, 762 *A.*2d 707 (App.Div.2000) (vacating judgment of conviction based on entry of guilty plea with no factual basis and without advising defendant of right to appeal and time requirements for doing so)]

b.) Discussion & Comment – Review the plea colloquy transcript to verify that plea was voluntary, knowing and had an adequate factual basis from the lips of the defendant. Remember that defendants must be questioned personally by the judge, and yet they will seldom admit to the necessary elements of drunk driving (e.g. ”Do you admit you drive while impaired by the two beers you drank?”)

1.) Under the influence of alcohol is defined for purposes of a guilty plea as:

We have described generally the term “under the influence” as “a substantial deterioration or diminution of the mental faculties or physical capabilities of a person whether it be due to intoxicating liquor, narcotic, hallucinogenic or habit producing drugs.” We also have explained that the term “under the influence” means “a condition which so affects the judgment or control of a motor vehicle operator as to make it improper for him to drive on the highway.” See State v. Bealor, 187 NJ 574, 589 (2006).

Judges are required to make factual findings on both the *per se* and under the influence components of NJSA 39:4-50(a). See State v. Sisti, 209 NJ Super. 148, 151 (App. Div. 1986):

> **For guidance in the future of municipal court judges, however, we note that in *N.J.S.A.* 39:4-50 cases where there are proofs of guilt, with and without breathalyzer readings, the judge should make findings and conclusions on both bases. Failure to do so is unfair to defendants, the State, the attorneys and the Appellate Courts.**

2.) Comment - Defendants seldom articulate a knowing plea - In DWI cases, the record will almost never reflect the knowing nature of the plea as the judges do not review the direct and collateral consequences with the defendant in any level of detail. The actual factual basis spread on the record is also usually sparse or missing.

Think about the detail contained on the plea form in Superior Court. The requirements of a knowing plea in Superior Court Rule 3:9-2 and the municipal court Rule are virtually identical.

Never any discussion of collateral consequences (surcharges, commercial d/l loss, IDRC program. See generally State v. Nunez-Valdez, 200 NJ 129 (2009); Padilla v. Kentucky, 130 S. Ct. 1473 (2012)).

3. Case law supporting the motion to vacate based upon a defective factual basis:

State v. Tate, 220 NJ Super. 393 (2015) (Defendant did not admit elements of the offense.)

State v. Gregory, 220 NJ 413 (2015) (Defendant did not admit elements of the offense.)

State v. Perez, 220 NJ 423, 433-434 (2015) (A defendant must admit that he engaged in the charged offense and provide a factual statement or acknowledge all of the facts that comprise the essential elements of the offense to which the defendant pleads guilty.)

State v. Barboza, 115 NJ 415, 421 (1989) (The requirement that there exist a factual basis for the plea serves a variety of purposes. In particular, it is designed to protect a defendant who is in the position of pleading voluntarily with an understanding of the nature of the charge but without realizing that his conduct does not actually fall within the charge.)

State v. Campfield, 213 NJ Super. 218, 236 (App. Div. 2013) (Court must be satisfied from the lips of the defendant)

State v. Smullen, 118 NJ 408, 415 (1990).

Part IV – Enforcement of plea agreement

The Supreme Court adheres to the principle that defendant should be permitted to withdraw from a plea if all of its material terms and relevant consequences under a plea agreement were not fully understood.

State v. Howard, 110 N.J. 113, 539 A.2d 1203 (1988);

State v. Kovack, 91 N.J. 476, 453 A.2d 521 (1982).

State v. Nichols, 71 N.J.358, 365 A.2d 467 (1976) (Court and the prosecutor actually misinformed the defendant about his exposure to criminal sanctions under existing law.)

The defendant is entitled to strict enforcement of his plea agreement and may withdraw the plea if the agreement is not enforced or accepted by the sentencing judge.

See Rule 7:6-2(d) - Pursuant to paragraph (a)(1) of this rule, when a plea agreement is reached, its terms and the factual basis that supports the charge(s) shall be fully set forth on the record personally by the prosecutor, except as provided in Guideline 3 for Operation of Plea Agreements. If the judge determines that the interests of justice would not be served by accepting the agreement, the judge shall so state, and the defendant shall be informed of the right to withdraw the plea if already entered.

Part V - Slater factors

State v. Slater, 198 NJ 145 (2009)

[Applicable in municipal court proceedings per State v. Mustaro, 411 NJ Super. 91 (App. Div. 2009)]

Trial judges must "consider and balance four factors in evaluating motions to withdraw a guilty plea:

(1) Whether the defendant has asserted a colorable claim of innocence;

(2) The nature and strength of defendant's reasons for withdrawal;

(3) The existence of a plea bargain; and

(4) Whether withdrawal would result in unfair prejudice to the State or unfair advantage to the accused.

Comment:

a.) No one factor is mandatory.

b.) If one is missing, that does not automatically disqualify or dictate relief.

c.) Where the motion is made after sentencing, the amount of time that has passed is relevant to the strength of the reasons proffered in favor of withdrawal under the second factor.

Part VI - Standard of review on appeal

Lack of Factual Basis for Plea

The standard of review of a trial court's denial of a motion to vacate a guilty plea for lack of an adequate factual basis is de novo. An appellate court is in the same position as the trial court in assessing whether the factual admissions during a plea colloquy satisfy the essential elements of an offense. When reviewing the adequacy of the factual basis to a guilty plea, the trial court is not making a determination based on witness credibility or the feel of the case, circumstances that typically call for deference to the trial court. In short, if a factual basis has not been given to support a guilty plea, the analysis ends and the plea must be vacated.

State v. Tate, 220 NJ 393, 403-404 (2015)

All other matters under R. 7:6-2(b)

Thus, the trial court's denial of defendant's request to withdraw his guilty plea will be reversed on appeal only if there was an abuse of discretion which renders the lower court's decision clearly erroneous.

State v. Smullen, 118 NJ 408, 416 (1990).

Part VII – Forms Appendix

BORDENTOWN TOWNSHIP MUNICIPAL COURT
BURLINGTON COUNTY, NEW JERSEY
COMPLAINT NO. [redacted]

STATE OF NEW JERSEY)
)
v.)
) TRANSCRIPT
) OF
[redacted])
) HEARING
Defendant.)

Place: Municipal Drive
Bordentown, NJ 08505

Date: July 9, 2014

BEFORE:

THE HON. JOSEPH P. MONTALTO, J.M.C.

TRANSCRIPT ORDERED BY:

ROBERT RAMSEY, ESQ. (Law Offices of Robert Ramsey)

APPEARANCES:

LOUIS GALLAGHER, Prosecutor, Bordentown Township
Attorney for the State

[redacted]

Attorney for the Defendant

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Audio Recorded

I N D E X

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THE COURT: [redacted]

[redacted]: Ready, Your Honor.

THE COURT: Good afternoon, counsel.

[redacted]: Good afternoon, Your Honor. [redacted] from the law office of [redacted] on behalf of [redacted] who is present to my right, sir. The prosecutor remarked that if you needed him in here, just ask him to come in.

THE COURT: Why don't we get Mr. Gallagher? And while we're waiting, Mr. [redacted], you want to raise your right hand, please?

[redacted] DEFENDANT, SWORN

THE COURT: Thank you. You can put your hand down.

EXAMINATION BY THE COURT:

Q You realize by pleading guilty you're giving up your right to a trial?

A Yes.

Q You realize by pleading guilty you're giving up your right to cross examine the State's witnesses?

A (No audible response).

Q You realize, if you plead guilty, the State does not have to prove their case against you?

A Yes.

Q Do you understand the State has quite a high

burden of proof, proof beyond a reasonable doubt?
A Yes.
Q Do you understand if you tried to quantify proof beyond a reasonable doubt, using the scale of zero through ten, zero being absolutely lying and ten being absolutely the truth, the State would have to score a nine or better on that scale, do you understand that?
A Yes.
Q Do you agree the State has quite a high burden of proof to make?
A Yes.
Q Do you understand if the State were to try their case, present all of their witnesses and show all their proofs they might not win?
A Yes.
Q Are you feeling well today?
A Yes.
Q Are you under the influence of any medication or intoxicants which might impair your perspective or your view of this case?
A No.
Q Do you realize you have a Constitutional right to a trial in this matter?
A Yes.

Q And after discussion with counsel and reviewing all the facts you're waiving your right to trial, is that correct?
A Yes.

THE COURT: I find a free, knowing and voluntary and intelligent waiver of the right to trial. Counsel, Mr. Gallagher, do you have an application here?

MR. GALLAGHER: Yes, Your Honor. There's going to be a guilty plea to the refusal. The State can't prove the 4-50 beyond a reasonable doubt without the reading. The psychophysicals were unremarkable and the driving activity was not terrible. Therefore, without the reading and the presumptive parameters, the State can't proceed with that matter.

We can proceed with refusal beyond a reasonable doubt. That's going to be a guilty. The State's going to dismiss the remaining matters. There will be a stipulation of probable cause. This will be a third offense.

THE COURT: Okay. Thank you, sir. I'll indicate a directed finding of not guilty on the [redacted] as indicated by the prosecutor. I'll indicate there was a refusal roadside test with probable cause for the charge --

MR. [redacted]: So stipulated, Your Honor.
THE COURT: -- not for -- but not to convict. Was there an accident?
MR. [redacted]: No accident, Your Honor. And as the prosecutor did indicated, the driving was not very erratic. I believe it was a very minor speeding violation that he was originally pulled over for which of course leads into the stipulation of probable cause. But not only the stop, but thereafter the investigation that led Mr. [redacted] to be read the implied consent form where he did refuse.
THE COURT: Okay. Mr. [redacted], do you have any objection to [redacted] and [redacted], the speeding ticket and the reckless driving are dismissed?
THE WITNESS: No, sir. Okay.
THE COURT: They're dismissed on the State's request.
BY THE COURT:
Q And do you admit that on October 12th, 2013, at 9:59 p.m., you did operate a 2011 Toyota at 206 North near Mastoris' in Bordentown Township, is that correct?
A Yes.
Q And the date and time in question, the speed of your automobile did, in fact, drew the officer's

attention to your motor vehicle, is that correct?
A Yes, sir.
Q And you had consumed some alcohol that evening?
A Yes, I had.
Q And with the officer's observations when he pulled you over, he conducted you back to the station, is that correct?
A Correct.
Q And you did, in fact, refuse to take the Alcotest, is that correct?
A Yes.
Q Entering a guilty plea to this charge, a refusal, freely and voluntarily?
A Yes.
Q No one threatened you, coerced you or promised you anything, have they?
A No, sir.
Q I'm sure counsel reviewed with you extensively the consequences of refusal to take the blood alcohol test. For due process purposes, the Court's going to do that once again. A first offense refusal, fine of 300 to $500, not less than seven months to or more than one-year loss of license, may be concurrent or consecutive to any revocation of license

imposed on a 39:4-50, $100 drunk driving enforcement fund, referred to the IDRC pending evaluation and follow which they prescribe. In addition to that, there's also an insurance surcharge of $1,000 a year for each of the next three years.

A second offense refusal is 500 to $1,000, two years loss of license consecutive to any revocation of license imposed on a 39:4-50, $100 drunk driving enforcement fund, referred to the IDRC for an evaluation and follow which they prescribe.

A third offense refusal, $1,000 fine, ten years loss of license consecutive to any revocation of license imposed on a 39:4-50. There is also $100 drunk driving enforcement fund, referred to the IDRC for an evaluation and follow which they prescribe. And the interlock is also imposed during these periods, as well.

You're represented by counsel?

A Yes.

Q Do you believe he's done a good job?

A Yes.

Q Any additional information you want the Court to know?

A No, sir.

THE COURT: Counsel, anything to add?

MR. [redacted]: Very briefly, Your Honor. Again, while the stipulation was made that probable cause clearly it did rise to that level, Mr. [redacted] was brought back to the station, admitted that he did have a few drinks. And again, as the prosecutor indicated, unremarkable psychophysicals with regard in his observations, but clearly the penalties are going to be severe. I believe Mr. [redacted] is going to have to endure those and I think that those speak for themselves. I don't believe he'll be back in this position again.

THE COURT: I'll accept the guilty plea to the third offense refusal, $1006 fine, $33 cost, $100 drunk driving enforcement fund, insurance surcharge, $1,000 a year each of the next three years, referred to the IDRC for an evaluation and follow which they prescribe, ten years loss of license and ten years interlock, as well. You have a license with you now?

THE WITNESS: Yes.

THE COURT: You need to surrender that license. Do you need a temporary to drive home?

MR. [redacted]: I don't believe so, Your Honor. I think he has a ride. He's going to make a payment application at the window.

THE COURT: Okay. I'll indicate the driver's

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(609) 396-7979
ATTORNEY FOR DEFENDANT

STATE OF NEW JERSEY	:	**BORDENTOWN TWP. MUN. COURT** **BURLINGTON COUNTY**
Plaintiff	:	
vs.	:	**SUMMONS NO. E13000123**
JOHN DOE	:	**QUASI-CRIMINAL ACTION**
Defendant	:	**ORDER GRANTING** **WITHDRAW OF GUILTY PLEA**

THIS MATTER having been opened to the Court by the Law Office of Robert, Attorney-at-Law, Robert Ramsey, Esquire, appearing, on behalf of Defendant, John Doe, and the Court having considered the arguments of counsel and other moving papers submitted and good cause having been shown;

IT IS ON THIS _____ DAY OF _____, 2015;

ORDERED that the guilty plea entered in the above captioned matter through the Bordentown Township Violation's Bureau be and hereby is vacated;

IT IS FURTHER ORDERED that the within matter be scheduled in the Bordentown Township Municipal Court for further proceedings.

_____
J.M.C.

LAW OFFICE OF ROBERT RAMSEY
2000 HAMILTON AVENUE
HAMILTON, NEW JERSEY 08619
(609) 396-7979
ATTORNEY FOR DEFENDANT

STATE OF NEW JERSEY	:	**BORDENTOWN TWP. MUN. COURT** **BURLINGTON COUNTY**
Plaintiff	:	
vs.	:	**SUMMONS NO. E13000123**
JOHN DOE	:	**QUASI-CRIMINAL ACTION**
Defendant	:	**NOTICE OF MOTION TO WITHDRAW A GUILTY PLEA**

TO: Sam Smith, Municipal Prosecutor
Bordentown Township Municipal Court
2 Municipal Drive
Bordentown, New Jersey 08505

PLEASE TAKE NOTICE that on a date to be set by the Court, the undersigned, counsel for Defendant, John Doe, will make an application before the Bordentown Township Municipal Court for Defendant to withdraw his plea of guilty pursuant to Rule 7:6-2(b).

In support of the within application, Defendant will rely upon the annexed Certification as well as oral argument.

RAMSEY LAW OFFICE

ROBERT RAMSEY

Dated: June 8, 2015

Garden State CLE presents:

Vacating Guilty Pleas in DWI Cases

Lesson Plan