

IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT
_____ COUNTY, ILLINOIS

PEOPLE OF THE STATE OF ILLINOIS,)

v.)

) Case No. _____

Defendant.)

MOTION TO WITHDRAW PLEA OF GUILTY
BASED SOLELY ON THE COMPLETION OF DRUG COURT PROGRAM

Now comes the above-named Defendant and moves to withdraw the plea of guilty entered in this case based solely on the completion of the Drug Court Program and states:

1. Pursuant to the Drug Court Treatment Act (730 ILCS 166/1 et. seq.), the Defendant has entered a plea of guilty and was admitted to the Drug Court Program in the above-entitled matter.

2. Defendant's Drug Court Contract with the State provides that "upon successful completion of the Drug Court Program, the Court will grant the Defendant's "Motion to Withdraw Plea, Completion of Drug Court Program" and the State will dismiss the criminal charge(s) that the Defendant pled guilty to in the above-entitled matter. Further, the prosecutor will be barred from reinstating this case at any future date, and the State will not object to an expungement order, if one is properly brought.

3. The Defendant must file a Motion to Withdraw Plea within 30 days of the date on which a sentence is imposed in order for the Court to continue to have jurisdiction to grant such a motion if the Defendant successfully completes the Drug Court Program. (Supreme Court Rules 605 & 606)

4. The Defendant acknowledges that the Defendant has been fully admonished under Supreme Court Rules 402 (Admonitions to Defendant) and 605 (Appeal Rights) and states that the only ground upon which the Defendant is filing this Motion to Withdraw Plea is to enforce the Defendant's right to do so pursuant to the Drug Court Contract if the Defendant successfully completes the Drug Court Program.

5. The Defendant waives all time limits applicable to scheduling a hearing on this Motion and agrees that this motion should be continued and should not be set for hearing or ruled upon until it is determined whether Defendant has successfully completed the Drug Court Program.

6. The defendant agrees that none of the money paid for fines, costs, fees, restitution or any other money, whatsoever, paid under any Order entered in this case shall be returned to or reimbursed to defendant or any other person if this Motion is granted. The Defendant expressly waives and releases all rights to return of or reimbursement of any fines, costs, fees, restitution or any other money paid for any purpose or reason in this case.

WHEREFORE, THE DEFENDANT REQUESTS AS FOLLOWS:

A. Defendant moves to withdraw the plea of guilty solely on the grounds that the Defendant has successfully completed the Drug Court Program.

B. Based on the Defendant's successful completion of the Drug Court Program, Defendant moves for dismissal with prejudice of the criminal charge(s) that the Defendant plead guilty to and that the State be barred from reinstating those charge(s) or this case at any future date, and that the State be barred from objecting to an expungement order, if one is properly brought.

C. Defendant moves to continue any hearing or decision on this motion until it is determined by the Court that Defendant has or has not successfully completed the Drug Court Program.

D. If this Motion is granted, defendant requests that none of the money paid for fines, costs, fees, restitution or any other money, whatsoever, paid under any Order entered in this case shall be returned to or reimbursed to defendant or any other person; and the defendant expressly waives and releases all rights to return of or reimbursement of any money paid for any purpose or reason in this case.

Dated: _____

Defendant

**CONSENT AND MOTION OF STATE'S ATTORNEY/ASSISTANT
STATE'S ATTORNEY**

The undersigned State's Attorney/Assistant State's Attorney consents to the Court continuing hearing on the above motion until it is determined by the Court that the Defendant has successfully completed the Drug Court Program. Upon the Court finding that the Defendant has successfully completed the Drug Court Program, then upon the condition that none of the fines, costs, fees, restitution or other paid by or on behalf of defendant in this case be returned or reimbursed, the State's Attorney consents to the Court entering an Order granting the above motion, allow the Defendant to withdraw his/her plea of guilty and reinstate the charges whereupon the State's Attorney hereby moves the Court to enter an Order dismissing all of those reinstated charges with prejudice, all without further notice or hearing to the State or Defendant.

Dated: _____

State's Attorney/Assistant State's Attorney