

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

PEOPLE OF THE STATE OF ILLINOIS,)
)
v.)
)
_____)
Defendant.)

Case No. _____

**ORDER GRANTING MOTION TO WITHDRAW PLEA OF GUILTY
BASED SOLELY ON THE COMPLETION OF DRUG COURT PROGRAM
AND ORDER DISMISSING CHARGES WITH PREJUDICE**

Before the Court is the Motion to Withdraw Plea of Guilty Based Solely on the Completion of Drug Court Program filed by the Defendant. Being fully advised in the premises, the Court finds as follows:

1. A Drug Court Probation Order was entered admitting the Defendant to the Drug Court Program and placing the Defendant on drug court probation.

2. The Defendant's Drug Court Contract with the State provides that "if the Defendant successfully completes the Drug Court Program under Track 1, the Court will grant the Defendant's "Motion to Withdraw Plea of Guilty Based Solely on the Successful Completion of the Drug Court Program." The Court will reinstate the charges based on the Defendant's withdrawal of plea. The State will file a Motion to Dismiss the pending reinstated criminal charges or Petition to Revoke. The Court will grant the State's motion to dismiss and discharge the Defendant from any further proceedings in the original prosecution. The State's Attorney will be barred from reinstating the matter at any further date, and will not object to an expungement order, if one is properly brought."

3. Within 30 days of entry of the Drug Court Probation Order, the Defendant filed a Motion to Withdraw Plea of Guilty Based Solely on the Completion of Drug Court Probation and moved the Court to continue hearing on that motion until the Court determined that Defendant had or had not successfully completed the Drug Court Program. Further, upon the Court finding that Defendant had successfully completed the Drug Court Program, the State's Attorney/Assistant State's Attorney consented to the Court granting that motion, allowing Defendant to withdraw his plea of guilty, reinstate the charges and then moved to dismiss those charges with prejudice, all without notice or further hearing.

4. The Defendant has successfully completed that Drug Court Program.
5. The Court has jurisdiction in this case.
6. The Defendant's Motion to Withdraw Plea of Guilty Based Solely on the Completion of Drug Court Program should be granted, the Defendant should be allowed to withdraw the plea of guilty and the charges should be reinstated; and the State's Attorney's motion to dismiss those reinstated charges with prejudice should be granted.

THEREFORE, IT IS HEREBY ORDERED AS FOLLOWS:

A. That Defendant has successfully completed and graduated from the Drug Court Program and has been successfully discharged from probation.

B. The Defendant's Motion to Withdraw Plea of Guilty Based Solely on the Completion of Drug Court Program is hereby granted.

C. The Defendant's plea of guilty is hereby withdrawn and the charge(s) to which Defendant entered that plea of guilty are hereby reinstated.

D. Upon motion of the State, the reinstated charges are hereby dismissed, with prejudice, and the State is hereby barred from reinstating those charge(s) or this case at any future date, and the State is also barred from objecting to an expungement order, if one is properly brought.

E. Upon defendant's Motion and request, none of the money paid for fines, costs, fees, restitution or any other money, whatsoever, paid 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.

Date: _____

ENTER: _____
JUDGE