

Checklist for Motion to Shorten Period of Driver's License Suspension or Denial

- You must complete a form before you file it. These instructions will help you complete the forms.
- If you still have difficulty after reading these instructions, contact the Self Help Center. See <http://www.utcourts.gov/selfhelp/contact/>.
- The judicial services representative cannot complete a form for you.
 - Attach a copy of any document referred to in the form.
 - Keep a copy of all documents for your records.
 - Attend all court hearings.
 - Some forms may not apply in your case.
 - Check with your court about local requirements.

(1) Motion to Shorten Period of Driver's License Suspension or Denial

- Print your name and contact information at the top of the first page. Check whether you are the Defendant or the attorney for the Defendant.
- Check the correct box to show whether the case is in the district, juvenile or justice court. Print the judicial district number, the county name and the court address on the blank lines. Complete the heading exactly as it appears in the judgment of conviction or adjudication order.
- If you want to ask for a hearing, check the box next to "hearing requested." If there is no hearing, the judge will decide the motion based on the papers that have been filed. If one party requests a hearing and the other party does not, both parties are still allowed an opportunity to present oral arguments, if a hearing is held.
- Paragraph (1): Check the correct box to show what offense you were convicted of.
- Paragraph (2): Paragraph (2) is required. Make sure that it is true before signing the motion.
- Paragraph (3): Paragraph (3) is required. Make sure that it is true before signing the motion.
- Paragraph (4): Check the correct boxes to show the results of your drug or alcohol screening and assessment. Attach the applicable certificates of completion, which should have been given to you by the person who provided the screening and assessment.

- Paragraph (5): If the court ordered you to complete a drug or alcohol educational series as part of your sentence, check the box to show that you have completed the series. Attach the certificate of completion, which should have been given to you by the person who taught the series.
- Paragraph (6): Paragraph (6) is a required condition. Make sure that it is true before you sign the motion.
- Paragraph (7): Paragraph (7) is a required condition. Make sure that it is true before you sign the motion.
- Attach any required documents and forms.
- Date and sign the form.
- Complete the Certificate of Service.
- Serve the form and any attachments on the other party by one of the methods described in the certificate of service. [URCP 5](#) governs service.
- File the original form, attachments and certificate of service with the judicial services representative.

(2) Stipulation

- If you and the other party agree about the motion, work with the other party to complete the stipulation and file it with the motion. The stipulation must be completed and signed by the other party.
- The other party should send the forms and attachments back to you to attach to the motion and file with the judicial services representative.

(3) Affidavit of No Unlawful Alcohol Consumption

- Print your name and contact information at the top of the first page. Check whether you are the Defendant or the parent or guardian of the Defendant.
- Check the correct box to show whether the case is in the district, juvenile or justice court. Print the judicial district number, the county name and the court address on the blank lines. Complete the heading exactly as it appears in the judgment of conviction or adjudication order.
- If you are the Defendant, check the first box. If the Defendant is under 18 years of age, and you are the parent or guardian of the Defendant, check the second box. To qualify for shortening the period of driver's license suspension or denial, the Defendant must not have unlawfully consumed alcohol during that period. Make sure that the statement is true before signing the affidavit.
- Date and sign the form in front of a court clerk or notary public.
- Complete the Certificate of Service.

- Serve the form and any attachments on the other party by one of the methods described in the certificate of service. [URCP 5](#) governs service.
- File the original form, attachments and certificate of service with the judicial services representative.

(4) Memorandum Supporting the Motion (A Memorandum Supporting the Motion is optional unless the judge requires one.)

- Print your name and contact information at the top of the first page. Check whether you are the Defendant or the attorney for the Defendant.
- Check the correct box to show whether the case is in the district, juvenile or justice court. Print the judicial district number, the county name and the court address on the blank lines. Complete the heading exactly as it appears in the judgment of conviction or adjudication order. Check the box to show that the memorandum supports the motion. Print the name of the motion on the blank line.
- Paragraph (1): Check the correct box to show that the motion is supported by the law. State your argument why the motion is supported by the law.
- Do not include any private or protected information on this form. When filed, this form is a public record. [Rule 4-202.09\(9\)](#) requires that you omit from a public record any information that is not itself public information. For a list of records, data and information classified as public, private, and protected, see [Rule 4-202.02](#).
- Attach any required documents and forms.
- Date and sign the form.
- Complete the Certificate of Service.
- Serve the form and any attachments on the other party by one of the methods described in the certificate of service. [URCP 5](#) governs service.
- File the original form, attachments and certificate of service with the judicial services representative.

(5) Statement Opposing the Motion

- A Statement Opposing the Motion is a document filed by the prosecuting attorney. If the prosecuting attorney does not agree to the motion, they must file a Statement Opposing the Motion within 10 days after the motion is served on the prosecuting attorney.
- If the prosecuting attorney files a Statement Opposing the Motion, you may file a Reply to that statement. If the prosecuting attorney does not file a

Statement Opposing the Motion, you may file a Request to Submit for Decision.

(6) Reply Statement (if applicable)

- If the prosecuting attorney files a Statement Opposing the Motion, you may file a Reply, but only to respond to something being raised for the first time in the opposing statement. If the opposing statement and its supporting documents merely make statements of fact and legal arguments against the points you made in your motion, then you cannot file a reply.
- If you file a Reply, you must file and serve it within 5 days after the Opposing Statement is served on you.
- Print your name and contact information at the top of the first page. Check whether you are the Defendant or a witness for the Defendant or the attorney for the Defendant.
- Check the correct box to show whether the case is in the district, juvenile or justice court. Print the judicial district number, the county name and the court address on the blank lines. Complete the heading exactly as it appears in the judgment of conviction or adjudication order. Print the name of the motion on the blank line.
- Paragraphs (1)(A) and (2)(A): Check the correct box to show whether the statement is from the Opposing Statement or Opposing Memorandum. Print the number of the paragraph from the document that you disagree with. Quote the statement exactly.
- Paragraphs (1)(B) and (2)(B): Explain why you disagree.
- Omit any private or protected information. When filed, this document is a public record. [Rule 4-202.09\(9\)](#) requires that you omit from a public record any information that is not itself public information. For a list of records, data and information classified as public, private, and protected, see [Rule 4-202.02](#).
- Attach any required documents and forms.
- Date and sign the form.
- Complete the Certificate of Service.
- Serve the form and any attachments on the other party by one of the methods described in the certificate of service. [URCP 5](#) governs service.
- File the original form and certificate of service with the judicial services representative.

(7) Request to Submit for Decision

- The motion and other documents will not be given to the judge to decide until one of the parties completes and files a Request to Submit for Decision. Either party may file a Request, but someone must do so.
- Do not file the Request to Submit for Decision until after the Reply to the Statement Opposing the Motion has been filed or the time for filing has passed. (5 days after the Statement Opposing the Motion was served.)
- If the parties stipulate to the motion, file the Request to Submit for Decision with the Motion, Stipulation and proposed Findings of Fact, Conclusions of Law and Order.
- Print your name and contact information at the top of the first page. Check whether you are the Defendant or the attorney for the Defendant.
- Check the correct box to show whether the case is in the district, juvenile or justice court. Print the judicial district number, the county name and the court address on the blank lines. Complete the heading exactly as it appears in the judgment of conviction or adjudication order.
- If you want to ask for a hearing, check the box next to “hearing requested.” If there is no hearing, the judge will decide the motion based on the papers that have been filed. If one party requests a hearing and the other party does not, both parties are still allowed an opportunity to present oral arguments, if a hearing is held.
- Complete the entire form.
- Date and sign the form.
- Attach the required documents.
- Complete the Certificate of Service.
- Serve the form and any attachments on the other party by one of the methods described in the certificate of service. [URCP 5](#) governs service.
- File the original form and certificate of service with the judicial services representative.

(8) Notice of Hearing

- If you have requested a hearing, call the judge’s judicial assistant to find out whether your request has been granted. Schedule the hearing with the assistant and complete this form. Select a date that is convenient for you, the other party and the court. Otherwise, do not file this form.
- Print your name and contact information at the top of the first page.

- Check the correct box to show whether the case is in the district, juvenile or justice court. Print the judicial district number, the county name and the court address on the blank lines. Complete the heading exactly as it appears in the judgment.
- Identify the Defendant and prosecuting attorney by name and address.
- Print the date and time of the hearing. Print also the judge's name and courtroom number for the hearing.
- Date and sign the form.
- Complete the Certificate of Service.
- Serve the form and any attachments on the other party by one of the methods described in the certificate of service. [URCP 5](#) governs service.
- File the original form with the judicial services representative.

(9) Attend the Hearing

- If there is a hearing, be sure to attend.

(10) Findings of Fact, Conclusions of Law and Order on the Motion

- The Findings of Fact, Conclusions of Law and Order might be completed at different times, depending on how the case is decided. There are two documents: the Findings of Fact and Conclusions of Law; and the Order, and they are usually prepared together.
- Print your name and contact information at the top of the first page. Check whether you are the Defendant or the attorney for the Defendant.
- Check the correct box to show whether the case is in the district, juvenile or justice court. Print the judicial district number, the county name and the court address on the blank lines. Complete the heading exactly as it appears in the judgment of conviction or adjudication order.
- If the parties stipulate to the motion, or if the other party defaults on the motion, complete the rest of the Findings of Fact, Conclusions of Law and Order so that they agree with the motion.
- If the motion is not stipulated and not granted by default, do not complete the rest of the documents unless you are told to do so. Either the judge will complete the rest of the documents or tell one of the parties to do so.
- Attach the Abstract of Records form and any other required documents or forms.
- If there is a hearing, the judge will decide the issues and will tell one of the parties to prepare the Findings of Fact, Conclusions of Law and Order. Listen

carefully to the judge's decision. The documents must agree with that decision, and you may have to prepare them.

- If you are told to prepare the Findings of Fact, Conclusions of Law and Order, complete all of them except the judge's signature. What you write in the documents must agree with what the judge decided.
- Date and sign the proposed Findings of Fact, Conclusions of Law and Order under the phrase: "approved as to form."
- Within 15 days after being told to prepare the documents, serve them on the other party by one of the methods described in the certificate of service. [URCP 5](#) governs service.
- The other party has 5 days in which to object.
- File the original Findings of Fact, Conclusions of Law and Order and the Certificate of Service with the judicial services representative after the time to object has ended.

(11) Notice of Order

- If you prepared the order, or if the judge says you have to serve the signed order:
 - Print your name and contact information at the top of the Notice of Order. Check whether you are the Defendant or the attorney for the Defendant.
 - Check the correct box to show whether the case is in the district, juvenile or justice court. Print the judicial district number, the county name and the court address on the blank lines. Complete the heading exactly as it appears in the judgment of conviction or adjudication order.
 - Attach any required documents and forms.
 - Date and sign the form.
 - Complete the Certificate of Service.
 - Serve the form and any attachments on the other party by one of the methods described in the certificate of service. [URCP 5](#) governs service.
 - File the original form and attachments with the judicial services representative.

(12) Abstract of Records

- Driver License Division will not honor a court order that you deliver yourself. The court must send the order to the Driver License Division.
- This document will help the Driver License Division identify you and the violations in their records. The court will send this document with the order to

the Driver License Division, but you must complete the form for the judge's or clerk's signature.

- Provide as much of the information as possible. The information will be on the citation that the law enforcement officer issued or on court documents. You may need to go to both to get all of the needed information.
- Attach the completed form to the order.
- The clerk or judge will sign the form and send it and the court's order to the Driver License Division.