IN THE CIRCUIT COURT OF [*county*] COUNTY, WEST VIRGINIA

STATE OF WEST VIRGINIA,

v. [*case number*]

Hon. [*name*]

[*name-all caps*],

Defendant.

**MOTION TO WITHDRAW PLEA**

On this date comes Defendant, [*name*], by Counsel, [*name*], and moves this Honorable Court, pursuant to Rule 32(e) of the West Virginia Rules of Criminal Procedure and *Duncil v. Kaufman*, 183 W.Va. 175, 394 S.E.2d 870 (1990), to withdraw the plea of [*guilty/nolo contendre*] previously tendered by Defendant herein.

In support of said Motion, Defendant asserts that the following facts constitute fair and just reasons as to why Defendant should be permitted to withdraw the plea: [*cite any and all reasons supporting defendant’s request to withdraw guilty/nolo contendre plea*].

Defendant therefore requests that this Honorable Court grant the relief sought in the motion herein and permit the withdraw of the plea previously offered.

Dated this \_\_\_ day of [*month, year*].

[*defendant*],

By Counsel

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

[*counsel name*] [*bar number*]

[*address*]

[*phone number*]

[*email address*]

Counsel for Defendant