##### IN THE OFFICE OF STATE ADMINISTRATIVE HEARINGS

##### STATE OF GEORGIA

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_,Petitioner,v.DEPARTMENT OF DRIVER SERVICES,Respondent. |  | ::::::  |  | Docket No.: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Agency Reference No: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |

MOTION TO DISMISS FORM 1205 REPORT

As provided in Ga. Comp. R. & Regs. 375-3-3-.04(6)(b)(1), the arresting officer is authorized to act on behalf of the Respondent as the complainant. The undersigned arresting officer hereby withdraws the Form 1205 Report that initiated this administrative license suspension pursuant to O.C.G.A. § 40-5-67.1, under the following terms:

☐ The dismissal of the Form 1205 Report is conditioned upon the Petitioner’s agreement to plead guilty to the underlying charge of violating O.C.G.A. § 40-6-391 or☐ to \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ on or before \_\_\_\_\_\_\_\_\_\_\_\_\_\_. The Petitioner agrees that if s/he fails to enter the plea as required, s/he waives his/her right to contest the suspension or disqualification under O.C.G.A. § 40-5-67.1 and consents to the entry of an order vacating the Final Decision and reinstating the suspension or disqualification of his/her driver’s license, permit, or privilege to operate a motor vehicle or commercial motor vehicle in this state. The Petitioner further agrees that this Motion and the resulting Final Decision may be admitted into evidence at any subsequent legal proceeding involving the underlying charge as an admission of the Petitioner’s guilt as to the charge.

☐This dismissal of the Form 1205 Report is not conditioned upon the Petitioner’s agreement to enter a guilty plea.

This \_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_. Agreed to and submitted by:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (Signature)

\_ \_ \_ \_ \_ \_ \_ \_ \_ \_ \_ \_ \_ \_ \_ \_ \_ \_ \_ \_ \_ \_ \_ \_ \_ \_ \_\_ \_ \_ \_ \_ \_ \_

 (Print or type Name) Arresting Officer

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (Signature)

\_ \_ \_ \_ \_ \_ \_ \_ \_ \_ \_ \_ \_ \_ \_ \_ \_ \_ \_ \_ \_ \_ \_ \_ \_ \_ \_\_ \_ \_ \_ \_ \_ \_

 (Print or type Name) Petitioner or His/Her Attorney

## FINAL DECISION

After consideration of the above Motion to Dismiss Form 1205 Report, the Motion is **GRANTED** subject to the terms and conditions contained therein, and the Respondent’s decision to suspend or disqualify the Petitioner’s driver’s license, permit, or privilege to operate a motor vehicle or commercial motor vehicle in this state is hereby **RESCINDED** and **REVERSED**.

**SO ORDERED THIS**  \_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**, 20**\_\_\_**.**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

###  Judge

## \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

## MOTION TO VACATE FINAL DECISION AND REINSTATE SUSPENSION

The Petitioner has failed to enter a guilty plea as previously agreed in the above Motion to Dismiss Form 1205 Report. Accordingly, the undersigned arresting officer moves for the entry of an order vacating the Final Decision and reinstating, without a hearing, the suspension or disqualification of the Petitioner’s driver’s license, permit, or privilege to operate a motor vehicle or commercial motor vehicle in this state. I certify that on this date I have served the Petitioner and/or his/her counsel of record with a copy of this Motion.

This \_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_. Submitted by:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (Signature)

\_ \_ \_ \_ \_ \_ \_ \_ \_ \_ \_ \_ \_ \_ \_ \_ \_ \_ \_ \_ \_ \_ \_ \_ \_ \_ \_\_ \_ \_ \_ \_ \_

 (Print or type Name) Arresting Officer

## AMENDED FINAL DECISION

After consideration of the above Motion to Vacate Final Decision and Reinstate Suspension and any response thereto, the Motion is **GRANTED**, and the Final Decision previously entered is hereby **VACATED**. The Respondent’s decision to suspend or disqualify the Petitioner’s driver’s license, permit, or privilege to operate a motor vehicle or commercial motor vehicle in this state pursuant to the Form 1205 Report is hereby **REINSTATED** and **AFFIRMED.**

**SO ORDERED THIS** \_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**, 20**\_\_\_**.** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

###  Judge