

Name, Address & Telephone Number of Attorney:	<i>FOR COURT USE ONLY</i>
Attorney for:	
<input type="checkbox"/> <b>SUPERIOR COURT OF SAN LUIS OBISPO COUNTY</b> <input type="checkbox"/> <b>San Luis Obispo Branch</b> , 1035 Palm Street, Rm 385, San Luis Obispo, CA 93408 <input type="checkbox"/> <b>Grover Beach Branch</b> , 214 South 16th Street, Grover Beach, CA 93433 <input type="checkbox"/> <b>Paso Robles Branch</b> , 901 Park Street, Paso Robles, CA 93446	
PETITIONER:	
RESPONDENT: Director of the Department of Motor Vehicles	
<b>PETITION FOR ALTERNATIVE WRIT OF MANDATE  CCP §1094.5 AND VEHICLE CODE § 13559 TO SET ASIDE  SUSPENSION OF DRIVING PRIVILEGE – DUI</b> <input type="checkbox"/> <b>STAY REQUESTED</b> Unlimited Civil	<b>CASE NO:</b>

**Mark all  boxes that apply;**

1. Petitioner (full name) \_\_\_\_\_  
Is a resident of the County of San Luis Obispo, State of California at the time this Petition is filed.
2. Respondent, Director of the Department of Motor Vehicles, is the Chief Executive Officer of the Department of Motor Vehicles, a government agency of the State of California, hereafter referred to as 'the DMV'.
3. On (date) \_\_\_\_\_, per Vehicle Code §13382(a) and/or 23612(e), the arresting officer served the petitioner with an Administrative Per Se Order of Suspension/Revocation Temporary License Endorsement, a copy of which is attached to this petition.
4. Prior to the suspension of petitioner's driver's license, petitioner was the holder of a valid California driver's license number \_\_\_\_\_ issued by the DMV.
5. On (date) \_\_\_\_\_, in the County of San Luis Obispo, State of California, petitioner was detained by a Peace Officer of the
  - California Highway Patrol
  - \_\_\_\_\_ Police Department
  - \_\_\_\_\_ County Sheriff's Department
  - Other (describe) \_\_\_\_\_

And, after arrest for violation of Vehicle Code §23152 or §23153, was

- administered a chemical test for blood alcohol concentration,
- not administered a chemical test for blood alcohol concentration.

PETITIONER:  RESPONDENT: Director of the Department of Motor Vehicles	CASE NUMBER:
---	--------------

- 6. Per Vehicle Code §13380, the Officer then filed a sworn statement with the DMV stating that there was reasonable cause to believe petitioner had been driving a motor vehicle in violation of Vehicle Code §23152 or 23153, the petitioner was arrested and petitioner
  - took a chemical test with a result of \_\_\_\_\_% and \_\_\_\_\_% blood alcohol concentration.
  - Did not take or complete a chemical test
- 7. A copy of the Officer’s sworn Statement – Vehicle Code §§ 23152 and 13352 is attached to this petition.
- 8. On (date) \_\_\_\_\_, petitioner requested an administrative hearing. The hearing was granted and held on (date) \_\_\_\_\_.
- 9. A certified copy of the transcript of the administrative hearing has been ordered from the DMV and
  - has been lodged with the Court.
  - will be lodged with the Court as soon as it is received by petitioner.
- 10. On (date) \_\_\_\_\_, the DMV issued an Order of Suspension which stated that petitioner’s privilege to drive a motor vehicle was suspended for \_\_\_\_\_ year(s), from (date) \_\_\_\_\_ through (date) \_\_\_\_\_. The suspension was under the authority of Vehicle Code §13353.3. A copy of the Order of Suspension is attached to this petition.
- 11. This petition is further based on the following evidence and matters from the record of the administrative hearing [attach additional pages if necessary].

PETITIONER:	CASE NUMBER:
RESPONDENT: Director of the Department of Motor Vehicles	

12. Petitioner is beneficially interested in this action because petitioner is a party directly affected by the action of Respondent in suspending his or her privilege to operate a motor vehicle.
13. Petitioner needs his or her license
  - to drive to and from and in connection with his or her employment, as well as personal needs.
  - to engage in business for his or her livelihood.
14. As required by California Rule of Court 3.1142, a copy of Petitioner's driving record from the DMV is attached to this petition.
15. Petitioner does not have a speedy and adequate remedy at law because there is no appeal from the DMV's order suspending the privilege to operate a motor vehicle. Petitioner's only method of review of that order is by writ of mandate in this Court.
16. Petitioner's license is not suspended or revoked for any reason other than those stated in this petition.

**Petitioner prays that:**

1. An alternative writ of mandate issue under the seal of the Court commanding respondent Director of the DMV to set aside and revoke the DMV's order suspension of petitioner's license or to show cause before the Court at a time and place hereafter to be specified by the Court why it has not done so, and why a peremptory writ should not issue.
2.  Pending the hearing and final judgment of the Court in this matter, the DMV be ordered to stay the operation of the order suspending or revoking petitioner's license.
3.  Other (Describe):

PETITIONER:	CASE NUMBER:
RESPONDENT: Director of the Department of Motor Vehicles	

4. For such and further relief as the Court may deem proper.

Dated: \_\_\_\_\_

\_\_\_\_\_ (Type or Print Name) \_\_\_\_\_ (Signature of Petitioner)

**VERIFICATION**

STATE OF CALIFORNIA ]  
 COUNTY OF SAN LUIS OBISPO ] SS.

I, the undersigned, declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on (date) \_\_\_\_\_ at \_\_\_\_\_, California.

\_\_\_\_\_ (Signature of Petitioner)