

*Law Offices of
JULIANNE M. HOLT
Public Defender
Thirteenth Judicial Circuit of Florida
700 East Twiggs Street, Fifth Floor
P.O. Box 172910
Tampa, Florida 33672-0910*

REVISED 08/15/17

RE: Pro se Motion for Return of Property

The Public Defender **cannot file these types of motions for you or represent you in your hearing** unless the Court appoints us to do so. There are *three* forms attached to that we hope will help you with this matter: (1) Defendant's Motion to Return Property; (2) Notice of Hearing; (3) the Order to be signed by the judge.

INSTRUCTIONS FOR PREPARING AND FILING YOUR MOTION

1. Call the judicial assistant in your assigned division for special instructions and/or requirements to process your request. Access to the court's contact via their website: <http://www.fljud13.org/JudicialDirectory.aspx>
2. Fill out all of the attached forms correctly.
 - In each document's "heading," circle either COUNTY (for Misdemeanor cases) or CIRCUIT (for Felony cases)
 - Write in your name, case number, and the court division.
 - Fill in all of the spaces where you see a "_____"
 - Where you see words separated by a slash mark (/), you need to circle one of the words.
 - Write the current date in the last paragraph of the Motion and Notice of Hearing.

****DO NOT** fill in the court date or time on the Notice of Hearing until you have instructions from the judicial assistant.

 - Sign on the line above "DEFENDANT, PRO SE" on the Motion and Notice of Hearing.
 - Write your telephone number and address in the blanks below your signature.

****DO NOT** sign and **DO NOT** write a date on the Order. The judge will sign and date the order in court.
3. Once you have the specific instructions from the court, **make 4 copies** of the Motion and Notice of Hearing.

Keep a copy of the Motion and Notice of Hearing for yourself.

Mail a copy of the Motion and Notice of Hearing to each party listed below:

- Clerk of Court:
 - Downtown Tampa: 800 E. Twiggs Street, Room 101/1st Floor Lobby, Tampa, FL 33602
 - Plant City: 301 N Michigan Avenue, Room 1071/1st Floor Lobby, Plant City, FL 33563
- State Attorney:
 - Downtown Tampa: 419 N. Pierce Street, Tampa, Florida 33602
 - Plant City: 301 N Michigan Avenue, Room 1022, Plant City, FL 33563
- The law enforcement agency holding your property:

<u>Tampa Police Department:</u> Legal/Forfeiture Unit Tampa Police Department 411 Franklin St. Tampa, FL 33602	<u>Hillsborough County Sheriff's Office:</u> Legal Counsel Hillsborough County Sheriff's Office P.O. Box 3371 Tampa, FL 33601
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- The judge (the Clerk of Court has an interoffice drop box for the judges)

4. When you go to court, bring your copy of the Motion, Notice of Hearing, and Order. Bring your copies of all documents related to your case, including verification of completed conditions of your probation or community control.

IF YOU NEED MORE HELP, you can call the HILLSBOROUGH COUNTY BAR LAWYER REFERRAL SERVICE at (813) 221-7780. You can also send an email to lrs@hillsbar.com.

IN THE COUNTY / CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT
IN AND FOR HILLSBOROUGH COUNTY, FLORIDA
CRIMINAL JUSTICE DIVISION

STATE OF FLORIDA

CASE NUMBER: _____

vs.

DIVISION: _____

DEFENDANT, *pro se*

DEFENDANT'S PRO SE MOTION FOR RETURN OF PROPERTY

COMES NOW, the Defendant, *pro se*, and moves this Honorable Court to enter an order requiring the State of Florida, through the **Tampa Police Department / Hillsborough County Sheriff's Office**, to return certain property to the defendant and as grounds would show as follows:

[] I was arrested on _____, 20____.

[] After I was arrested the **Tampa Police Department / Hillsborough County Sheriff's Office** seized certain property from me, including but not limited to the following:
(include a complete description of all property to be released)

[a] _____

[b] _____

[c] _____

[] To allow the **Tampa Police Department / Hillsborough County Sheriff's Office** or the State of Florida to seize and maintain personal property without due process of the law violates my rights under the Constitutions of both the State of Florida and the United States of America.

WHEREFORE, the Defendant, *Pro Se*, respectfully requests this Honorable Court to enter its order requiring the State of Florida and the agency to return to the undersigned all personal property in their possession not found to be contraband or used as evidence in any criminal proceeding.

I HEREBY CERTIFY that a copy of the foregoing motion has been furnished to the Office of the State Attorney of the Thirteenth Judicial Circuit, and Legal/Forfeiture Unit, Tampa Police Department, 411 Franklin St., Tampa, FL 33602 or Legal Counsel, Hillsborough County Sheriff's Office, P.O. Box 3371, Tampa, FL 33601, on this _____ day of _____, 20__.

Respectfully submitted,

Copies furnished to:
Courtesy Copy to Judge
State Attorney's Office
Tampa Police Department (or)
Hillsborough County Sheriff's Office

DEFENDANT, *pro se*

Telephone: (____) _____

Address: _____

IN THE COUNTY / CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT
IN AND FOR HILLSBOROUGH COUNTY, FLORIDA
CRIMINAL JUSTICE DIVISION

STATE OF FLORIDA

CASE NUMBER: _____

vs.

DIVISION: _____

DEFENDANT, *pro se*

NOTICE OF HEARING

TO: SUSAN S. LOPEZ
OFFICE OF THE STATE ATTORNEY
419 N. PIERCE STREET
TAMPA, FLORIDA 33602

YOU ARE HEREBY NOTIFIED that the motion listed below has been scheduled for hearing before Judge _____, in courtroom _____ of the Hillsborough County Courthouse Annex, on the _____ day of _____, 20__ at ___ :__ **a.m. / p.m.** or as soon thereafter as may be heard.

DEFENDANT'S PRO SE MOTION FOR RETURN OF PROPERTY

DATED at Tampa, Hillsborough County, Florida this ___ day of _____, 20__.

Respectfully submitted,

Copies furnished to:
Courtesy Copy to Judge
State Attorney's Office
Tampa Police Department (or)
Hillsborough County Sheriff's Office

DEFENDANT, *pro se*

Telephone: (____) _____

Address: _____

IN THE COUNTY / CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT
IN AND FOR HILLSBOROUGH COUNTY, FLORIDA

CRIMINAL JUSTICE DIVISION

STATE OF FLORIDA

CASE NUMBER: _____

vs.

DIVISION: _____

DEFENDANT, *pro se*

ORDER ON DEFENDANT'S PRO SE MOTION FOR RETURN OF PROPERTY

THIS CAUSE having come before the Court on the Defendant's *pro se* Motion for Return of Property. The Court having reviewed the file, taken testimony, and being otherwise fully advised in the premises, it is hereby:

ORDERED AND ADJUDGED that the Defendant's *pro se* Motion for Return of Property is hereby **GRANTED / DENIED**

As to the following property:

- [a] _____
- [b] _____
- [c] _____
- [d] _____
- [e] _____

DONE AND ORDERED at Tampa, Hillsborough County, this ____ day of _____, 20__.

CIRCUIT/COUNTY COURT JUDGE

Copies furnished to:
Defendant, *pro se*
Office of the State Attorney
Tampa Police Department (or)
Hillsborough County Sheriff's Office