

*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 to Withdraw Capias

The Public Defender **cannot file these 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 Withdraw Capias; (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.fjud13.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 3 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 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. You should also bring copies of all other documents related to your case.

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.

DEFENDANT

DIVISION: _____

DEFENDANT'S PRO SE MOTION TO WITHDRAW CAPIAS

COMES NOW the Defendant, *pro se*, and moves this Court to recall the capias previously issued in this case, and in support of this motion states:

I did not receive a written notice of the hearing scheduled on _____ before Judge _____, courtroom number _____.
(date of hearing)

The capias was issued and/or executed before the charge of _____ was filed.

The traffic violation fine payments were paid in full in the sum of \$_____. but were not properly and timely recorded. *Proof of payment is attached to this motion.*

I have paid the sum of \$_____. for any and all court costs adjudged as a condition of payment but these payments were not properly and timely recorded. *Proof of payment is attached to this motion.*

I have paid the sum of \$_____. for any and all fines and/or forfeitures adjudged by the court. *Proof of payment is attached to this motion.*

The capias mistakenly identifies me as the criminal defendant in this case, but I am the victim that filed the report against _____.

List any other grounds not previously mentioned or any supporting reasons for the grounds stated above:

WHEREFORE, the Defendant respectfully requests this Court grant this motion and withdraw the capias entered in this case.

I HEREBY CERTIFY that a true and correct copy of the foregoing motion has been furnished to the Office of the State Attorney, 419 North Pierce Street, Tampa, Florida 33602 this ____ day of _____, 20__.

Respectfully submitted,

Copies furnished to:

DEFENDANT, *pro se*

Telephone: (____) _____

Copy to Judge

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.

DEFENDANT, *pro se*

DIVISION: _____

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 TO WITHDRAW CAPIAS

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

Respectfully submitted,

Copies furnished to:

Defendant, *pro se*
Courtesy Copy to Judge

DEFENDANT, *pro se*
(Signature)

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

ORDER ON DEFENDANT'S PRO SE MOTION TO WITHDRAW CAPIAS

THIS CAUSE having come before the Court on the Defendant's *pro se* Motion to Withdraw Capias. 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 to Withdraw Capias is hereby **GRANTED / DENIED**

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