

*Law Offices of  
LISA B. McLEAN  
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.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 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 101/1<sup>st</sup> Floor Lobby, Tampa, FL 33602
  - Plant City: 301 N Michigan Avenue, Room 1071/1<sup>st</sup> 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](mailto: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:

Copy to Judge

\_\_\_\_\_  
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.

\_\_\_\_\_  
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