

## **Pro se Motion to Return Property**

The Office of the Public Defender cannot file these motions unless the Court has appointed us and we remain your attorney at the time you request the return of property. These are three forms attached to this packet that we hope will help you with this matter: (1) Defendant's Motion to Return Property; (2) Notice of Hearing; (3) the proposed Order to be signed by the judge.

### **INSTRUCTIONS FOR PREPARING AND FILING YOUR MOTION**

1. 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.

  - 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.
  - Write the name and telephone number for your probation officer.

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

File the original Motion and Notice of Hearing and Order to:

  - **Clerk of Court** (select the county/location that applies):
    - Manatee County: P.O. Box 25400, Bradenton, FL 34206
    - Sarasota County: P.O. Box 3079, Sarasota, FL 34230
    - Venice: P.O. Box 3079, Sarasota, FL 34230
    - Arcadia: 115 East Oak Street, Arcadia, FL 34266

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

  - **State Attorney** (select the county/location that applies):
    - Bradenton: 1112 Manatee Avenue West, 6<sup>th</sup> Floor, Bradenton, FL 34205
    - Sarasota: 2071 Ringling Blvd, #400, Sarasota, F 34237
    - Venice: 4000 South Tamiami Trail, Room 135, Venice, FL 34293
    - Arcadia: 115 East Oak Street, Arcadia, FL 34266
  - **Your probation officer**
  - **The judge** (select the county/location that applies):
    - Bradenton: Manatee County Judicial Center, P.O. Box 3000, Bradenton, FL 34206
    - Sarasota: Judge Lynn Silvertooth Judicial Center, 2002 Ringling Blvd, Sarasota, FL 34237
    - Venice: Robert L. Anderson Adm Center, 4000 South Tamiami Tr, Venice, FL 34293
    - Arcadia: Desoto County Courthouse: 115 East Oak Street, Arcadia, FL 34266

**Keep a copy of the Motion and Notice of Hearing for yourself.**
  
3. When you go to court, bring your copy of the Motion, Notice of Hearing, and Order.
  
4. The Judge will notify you in the mail of a hearing date or final disposition of your motion. The Judge may deny or grant your motion without a hearing. Additionally, you can check the status of your motion on the Clerk's website.

IN THE COUNTY / CIRCUIT COURT OF THE TWELFTH JUDICIAL CIRCUIT IN  
AND FOR SARASOTA/MANATEE/DESOTO COUNTY, FLORIDA  
CRIMINAL JUSTICE DIVISION

STATE OF FLORIDA

CASE NUMBER: \_\_\_\_\_

vs.

DIVISION: \_\_\_\_\_

\_\_\_\_\_  
DEFENDANT, *pro se*

**DEFENDANT'S PRO SE MOTION TO  
RETURN PROPERTY**

COMES NOW the Defendant, *pro se* and moves this Court to enter an order requiring the State of Florida, through the \_\_\_\_\_ (law enforcement agency that seized the property), to return certain property to the defendant and as grounds would show as follows.

**Check the box of any grounds that may apply AND Circle appropriate choices separate by / .**

I was arrested on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

After I was arrested the \_\_\_\_\_ (law enforcement agency) seized certain property from me, including by not limited to the following:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

To allow the \_\_\_\_\_ (law enforcement agency) or the State of Florida to seize and maintain personal property without due process of 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 true and correct copy of the foregoing motion has been furnished to the Office of the State Attorney, \_\_\_\_\_ (address), this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Respectfully submitted,

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

Telephone: (\_\_\_\_\_) \_\_\_\_\_

Address: \_\_\_\_\_

IN THE COUNTY / CIRCUIT COURT OF THE TWELFTH JUDICIAL CIRCUIT IN  
AND FOR SARASOTA/MANATEE/DESOTO COUNTY, FLORIDA  
CRIMINAL JUSTICE DIVISION

STATE OF FLORIDA

CASE NUMBER: \_\_\_\_\_

vs.

DIVISION: \_\_\_\_\_

\_\_\_\_\_  
DEFENDANT, pro se

**NOTICE OF HEARING**

TO: OFFICE OF THE STATE ATTORNEY

YOU ARE HEREBY NOTIFIED that the motion listed below has been scheduled for hearing before  
Judge \_\_\_\_\_, in courtroom # \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.  
at \_\_\_\_\_ a.m./p.m. or as soon thereafter as may be heard.

**DEFENDANT'S PRO SE MOTION TO RETURN PROPERTY**

DATED this \_\_\_\_\_ of \_\_\_\_\_, 20 \_\_\_\_.

Respectfully submitted,

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

Telephone: (\_\_\_\_) \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

IN THE COUNTY / CIRCUIT COURT OF THE TWELFTH JUDICIAL CIRCUIT IN  
AND FOR SARASOTA/MANATEE/DESOTO COUNTY, FLORIDA  
CRIMINAL JUSTICE DIVISION

STATE OF FLORIDA

CASE NUMBER: \_\_\_\_\_

vs.

DIVISION: \_\_\_\_\_

\_\_\_\_\_  
DEFENDANT, *pro se*

**ORDER ON DEFENDANT'S PRO SE MOTION  
TO RETURN PROPERTY**

THIS CAUSE, having come before the Court on the Pro Se Motion to Return Property.  
This Court having reviewed the file, taken testimony, and being otherwise fully advised in the  
premises therein, it is hereby:

ORDERED AND ADJUDGED that the Defendant's pro se Motion to Return  
Property is hereby:

**GRANTED – DENIED**

The following property is to be returned to the Defendant:

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

DONE AND ORDERED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
CIRCUIT/COUNTY COURT JUDGE

Copies furnished to:

Defendant, *pro se*  
Office of the State Attorney