

DATE: \_\_\_\_\_, 20\_\_\_\_

FROM: \_\_\_\_\_

DC# \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

TO: Honorable Clerk of Circuit Court

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

RE: Motion for Reduction or Modification of Sentence

SUBJ.: CRIMINAL CASE NO. \_\_\_\_\_

Dear Honorable Clerk:

Please file the enclosed Motion for Reduction or Modification of Sentence.

Let this serve as NOTICE OF HEARING in this proceeding as the Defendant hereby requests a hearing be scheduled at the Court's convenience with sufficient notice thereof to allow the Defendant's transport and/or family member's attendance.

The Defendant encloses a SASE for return receipt of this mailing.

Thank you,

\_\_\_\_\_

Defendant, Pro se

Cc: State Attorney's Office  
File

IN THE CIRCUIT COURT OF THE \_\_\_\_\_ JUDICIAL CIRCUIT  
IN AND FOR \_\_\_\_\_, COUNTY FLORIDA

STATE OF FLORIDA,  
Plaintiff,

vs. CASE NO.: \_\_\_\_\_

\_\_\_\_\_,  
Defendant.  
\_\_\_\_\_ /

**MOTION FOR REDUCTION OR MODIFICATION OF SENTENCE**

COMES NOW, the Defendant, \_\_\_\_\_, and respectfully  
moves this Honorable Court for a reduction and /or modification of sentence in the  
above-captioned cause pursuant to Fla.R.Crim.P. 3.800(c).

Deleted:

In support thereof the Defendant does state:

1. On \_\_\_\_\_, 20\_\_ the Defendant was adjudicated guilty, of the  
following offense(s):

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

2. On \_\_\_\_\_, 20\_\_ the Defendant was sentenced to:

\_\_\_\_\_

3. A timely Notice of Appeal was filed on \_\_\_\_\_, 20\_\_ and  
appellate review ensued before the \_\_\_\_\_ District Court of Appeals; or no appeal  
was taken.

4. On \_\_\_\_\_, 20\_\_ the \_\_\_ District Court decided the defendant's  
appeal, see Exhibit A; or if no appeal was taken not applicable.

5. This Motion for Reduction or Modification is timely pursuant to Fla.R.Crim.P. 3.800(c).

Deleted:

6. The Florida Supreme Court has held that as long as a defendant files his Motion to Reduce or Modify Sentence, pursuant to Fla.R.Crim.P. 3.800(c), within the sixty (60) day period for doing so, the trial court does not lose jurisdiction over the motion upon expiration of the sixty (60) day period. See Schlabach v. State, 37 So.3d 230 (Fla. 2010) (trial court retains jurisdiction to rule on a 3.800(c) motion within a reasonable time as long as the motion was filed within the sixty (60) day time period provided by the rule). Id. 37 So.3d at 238 states in pertinent part:

[u]nder the language of rule 3.800(c), there is no requirement for a defendant to file a motion to extend time in anticipation of the trial court not ruling in a timely manner. Once the motion is filed, the responsibility for ruling on the motion is placed on the trial judge.  
(Footnote omitted)

7. In support of his action the Defendant provides the following facts for consideration:

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**OVERLOOKED FACTS OF THE CASE**

Any information about your case that may offer the judge motivation to reduce your sentence.

**DEFENDANT’S BACKGROUND**

Give specifics of your education, where you grew up, etc.

**EMPLOYMENT**

Where have you worked, what is your trade, etc.

**FAMILY CIRCUMSTANCES**

Your current family situation and how they may need you out there.

**ACCOMPLISHMENTS IN PRISON**

What programs educational/vocational have you completed, AA/NA, TIER, clean disciplinary record, etc.

**RELEASE PLAN**

What are you going to do if you get out? Your address, employer, etc.

**POTENTIAL CONTRIBUTIONS TO SOCIETY**

What can you do to help others?

**WHEREFORE**, the Defendant moves this Honorable Court to reduce or modify the sentence as follows:

- 1.
- 2.
- 3.

Respectfully submitted,

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Defendant, Pro se

**OATH**

Under the penalties of perjury, I declare and certify that I do understand English and that I have read the foregoing document and that the facts stated in it are true and correct.

\_\_\_\_\_  
\_\_\_\_\_  
Defendant, Pro Se

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing document has been furnished to the Office of the State Attorney at: \_\_\_\_\_

\_\_\_\_\_  
by handing said document to a prison official, for mailing by pre-paid first class U.S. mail on this \_\_\_ day of \_\_\_\_\_, 20\_\_.

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Defendant, Pro Se  
DC# \_\_\_\_\_  
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