

See §941 for parallel statues for other states and amend as needed.

**IN THE _____ COURT OF THE _____ JUDICIAL CIRCUIT
IN AND FOR _____ COUNTY, _____**

_____,
Petitioner,

vs.

Case No.: _____

STATE OF _____,
Respondent.

_____/

**PETITIONER'S WRITTEN NOTICE AND REQUEST
FOR FINAL DISPOSITION OF DETAINER**

COMES NOW, the Petitioner, _____, and respectfully files this Motion as a Written Notice and Request for Final Disposition of Detainers on untried indictments, information or complaints, pursuant to the Interstate Agreement on Detainers Act, Article III (a), codified in §941.45, Florida Statutes and _____ State Statutes _____.

In support thereof the Petitioner does state:

1. The Petitioner files and serves this motion as a written notice and request for final disposition of all untried indictments, information or complaints lodged against him in the appropriate court of the prosecuting officials that have jurisdiction of this matter.

2. The Petitioner respectfully requests that he be brought to trial within 180 days pursuant to the Interstate Agreement on Detainers Act, (“The Act”), Article III (a), codified in _____ State Statutes on all detainers lodged against him in this jurisdiction.

3. The Petitioner is being held as a prisoner at Marion Correctional Institution, 3269 NW 105th Street, Post Office Box 158, Lowell, Florida 32663-0158, [telephone number (352) 401-6814] and is available for trial. See Florida Department of Corrections Inmate Data Sheet attached as Exhibit A.

4. The Petitioner is serving a _____ () year sentence in a judgment handed down by the _____ Judicial Circuit, in and for _____ County, Florida. The Petitioner has a Tentative Release Date from that sentence of _____, see Exhibit A.

5. The Petitioner avers that Mr. Bill Smith is the Warden of Marion Correctional Institution, whose address is 3269 NW 105th Street, P. O. Box 158, Lowell, Florida 32663-0158, and is a proxy for the Secretary of Florida Department of Corrections and responsible for custody, control and care of Petitioner while incarcerated under his authority as agent of the Secretary.

6. That the prosecuting officials in and for the _____ Judicial Circuit, _____ County, State of _____ have informed the Warden or Classification Specialist at Marion Correctional Institution that Petitioner is wanted

in another jurisdiction on unrelated charge(s). The Warden then informed the Petitioner, or his designee, of the nature of the detainer(s) lodged against him from another jurisdiction. See written notification attached hereto as Exhibit ___.

7. The Petitioner has requested, by service of this motion, that the Warden give or send a certificate of place of incarceration to the appropriate prosecuting officials pursuant to the Act's, Article III (b), §941.45, Fla. Statutes.

8. The Petitioner requests final disposition of all detainees lodged against him in _____ County _____ jurisdiction be disposed of as a matter of law.

9. The prosecuting officials have been and continue to be aware of Petitioner's whereabouts in order to formally bring this matter to trial without any further delay thus prejudicing petitioner by their lack of action.

10. The prosecuting officials are alleged to be knowingly using the detainer(s) as a tool to prolong the Petitioner's incarceration thereby prejudicing him and his ability to properly prepare a defense against allegations charged in another jurisdiction.

11. The Petitioner requests final disposition of all detainees lodged against him be brought to trial before exculpatory evidence is lost or destroyed and witnesses are unable to be reached or recall dates, times and places of the alleged crime(s) charged. Any further delay would hinder the Petitioner's ability to

properly prepare a defense against allegations charged in another jurisdiction and would be highly prejudicial to him.

WHEREFORE, the Petitioner respectfully requests this Honorable Court to issue an order disposing of the pending detainer(s) or alternatively, to proceed to trial within 180 days pursuant to the Interstate Agreement on Detainers Act, Article III (a), §941.45, Fla. Statutes and _____ State Statutes on all detainers lodged against him.

Respectfully submitted,

Petitioner, 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.

Petitioner, 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** in and for _____ County, _____ at: _____ and the **Warden Bill Smith**, Florida Department of Corrections, Marion Correctional Institution, 3269 NW 105th Street, Post Office Box 158, Lowell, Florida 32663-0158, [telephone number (352) 401-6814] by handing said document to a prison official, for mailing by pre-paid first class U.S. mail on this ____ day of _____, 20__.

Petitioner, Pro Se
DC#
Marion C.I.
P.O. Box 158
Lowell, FL 32663-0158

INDEX

EXHIBIT

DOCUMENT

DATE

_____, 20__

DC# _____

Marion C.I.
P.O. Box 158
Lowell, FL 32663-0158

Clerk of Court

RE: CASE NO.: _____

Dear Honorable Clerk:

Enclosed is the following pleading for filing:

- Petitioner's Written Notice and Request for Final Disposition of Detainer

Please file the pleading and notify me of your receipt hereof in the SASE provided.

Thank you,

Defendant, Pro Se

Cc: Prosecuting Official for _____ County, _____
Mr. Bill Smith, Warden Marion CI. Lowell, FL
File