

IN THE CIRCUIT COURT OF THE NINTH
JUDICIAL CIRCUIT, IN AND FOR OSECOLA
COUNTY, FLORIDA

IN THE INTEREST OF:

JUVENILE JUSTICE DIVISION

Case # _____

_____,
A Child.
_____ /

MOTION TO DISCHARGE PURSUANT TO FLA. R. JUV. P. 8.090 (SPEEDY TRIAL)

COMES NOW, the Child, _____, by and through the undersigned attorney, Pursuant to Fla. R. Juv. P. 8.090, and moves this Court to enter an Order discharging the Child forever from further prosecution in the above-styled case. The Child states the following in support of this Motion:

1. The Child was taken into custody on _____, 20_____.
2. Fla. R. Juv. P. 8.090(a) provides "If a petition has been filed alleging a child to have committed a delinquent act, the child shall be brought to an adjudicatory hearing without demand within ninety (90) days of the earlier of the following:
 - (a) The date the Child was taken into custody.
 - (b) The date of service of the summons that is issued when the petition is filed.
3. Speedy trial expired _____, 20_____.
4. The Child has been continuously available for trial since their date of arrest.
5. The Child has not been brought to trial within the appropriate period of time and the failure to hold trial is not attributable to the Child or their lawyer.

WHEREFORE, the Child respectfully requests this Court enter an Order discharging the Child forever from further prosecution of this case.

I HEREBY CERTIFY a copy of the foregoing has been furnished to the Office of the State Attorney, 9th Judicial Circuit, 2 Courthouse Square, Kissimmee, FL 34741 this ____ day of _____, 20 ____.

Attorney _____
Florida Bar # _____
Address _____

(_____) _____

IN THE CIRCUIT COURT OF THE NINTH
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IN THE INTEREST OF:

JUVENILE JUSTICE DIVISION

Case # _____

_____,
A Child.
_____ /

ORDER DISMISSING CHARGES PURSUANT TO FLA. R. JUV. P. 8.090

THIS CAUSE, having come before me on Defendant's Motion to Dismiss - Speedy Trial, and the Court having reviewed the file and otherwise being duly advised it is hereupon

ORDERED AND ADJUDGED that the Defendant's Motion to Dismiss is GRANTED and the above-styled charge is dismissed with prejudice as speedy trial has expired. The trial has not commenced within 90 days from the date the Child was taken into custody or 90 days from the date the Child was served with the summons issued when the Petition was filed and the failure to hold the trial is not attributable to Defendant or Defendant's attorney, and Defendant has been available for trial.

DONE AND ORDERED in Kissimmee, Osceola County, Florida this ____ of _____, 20 ____.

Circuit Judge

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing has been furnished to the Office of the State Attorney, 9th Judicial Circuit, 2 Courthouse Square, Kissimmee, Florida 34741, and to the Child's Attorney this ____ day of _____, 20 ____.

Judicial Assistant