

PETITION TO SEAL CRIMINAL CASE RECORDS

1

(Forms)

Instructions: How to complete the forms and steps to seal criminal case records pursuant to A.R.S. § 13-911

Please read the following before completing the petition form.

Who can use the petition form:

You may file a petition to seal all case records related to a criminal offense if you were:

- ✓ Convicted of a criminal offense and have completed all the terms and conditions of the sentence that were imposed by the court, including the payment of all monetary obligations and restitution to all victims.

OR

- ✓ Charged with a criminal offense and the charge was subsequently dismissed or resulted in a not guilty verdict at trial.

OR

- ✓ Arrested for a criminal offense and no charges were filed.

Where to file your petition:

- If you were convicted of an offense listed in the petition: You must file in the court where you were convicted.
- If all charges were dismissed, you were found not guilty on all charges, or the conviction was vacated: You must file in the court where the indictment, information, criminal citation or complaint was filed against you. (Exception: if the citation or complaint was filed in a justice court and your case was subsequently transferred to the superior court, the petition must be filed in the superior court.)
- If no charges were filed but you had an initial appearance: You must file in the court where you had your initial appearance.
- If you were arrested but no initial appearance was held and no charges were filed: You must file the petition in the superior court in the county where you were arrested.
- If you have multiple cases, you must file a separate petition for each case as set forth above.

Required information:

To complete the petition, you must, at a minimum, provide the court with the following information as required by Rule 36.1, Arizona Rules of Criminal Procedure:

- Your name, address, date of birth, and email address.
- Any name you used at the time of arrest, charge, or conviction, if different from your current name.
- The offense(s) for which you are requesting records be sealed and if charges were filed, the court's case number.
- Whether there are any outstanding fines, fees, restitution, or other court-ordered financial obligations for the offense.
- Whether you have completed the conditions of your probation or sentence.

If you were represented in court by an attorney, your defense attorney may be able to provide any information needed to fill out the petition. You may also contact the arresting agency or search public record archives to gather pertinent information.

- Department of Public Safety: <https://www.azdps.gov/services/public/records/criminal>
- Arizona Judicial Branch's Public Access to Court Case Information:
<https://apps.supremecourt.az.gov/publicaccess/caselookup.aspx>

Step 1. Complete the Petition and provide required information.

Type or print neatly using black ink. Fill out all fields required by the petition. Provide any optional information known to you.

- Fill in the caption as it appears in the case for which you seek to have your case records sealed. If no charges were filed and this is a petition to seal only arrest records, fill in your name after "In Re Matter of: [Your Full Name]."
- Sentence Compliance: All of the following must be true:
 - You have completed all required monetary terms of your sentence;
 - You have completed all other terms of the sentence;
 - If you were sentenced by the Arizona Department of Corrections, you have received an absolute discharge.
- Prior Sealing of Records: If the court denied your previous petition, you must wait 3 years from the date of the denial to refile the petition.

Note: You may include a *Certificate of Absolute Discharge* from the Arizona Department of Corrections and an Order of Discharge from Probation, if applicable.

- If your conviction resulted in a prison sentence, a *Certificate of Absolute Discharge from Imprisonment* from the Arizona Department of Corrections may be attached to the Application. The Department of Corrections (“DOC”) office is located at 1601 W. Jefferson, Phoenix. Before issuing a statement, DOC will require the Superior Court’s proof of payment of all financial sanctions for that case. Therefore, you should get a financial statement and payment history from the Clerk of Superior Court. You may request a payment history in person from the Clerk of the Superior Court Bisbee Office, 100 Quality Hill Road Bisbee, AZ 85603 or Clerk of the Superior Court Sierra Vista Office, 100 Colonia de Salud Suite 200 Sierra Vista, AZ 85635. You will need to fill out a request and pay a fee, and the payment history will be sent to you. Contact the Clerk of the Superior Court for details and more options at 520-432-8600 or 520-803-3060.
- Additional DOC information may be available at <https://corrections.az.gov/>.
- To get an Order of Discharge from Probation, you may call the Clerk of Superior Court and ask for a copy from the docket.

Step 2. Put documents together and separate into four (4) sets. You will need the following forms:

Set 1: Originals for Clerk of Superior Court: <ul style="list-style-type: none">● Petition to Seal Case Records● Optional – Any supporting documentation	Set 2: Copies for Judge: <ul style="list-style-type: none">● Petition to Seal Case Records● Optional – Any supporting documentation
Set 3: Copies for County Attorney’s Office: <ul style="list-style-type: none">● Petition to Seal Case Records● Optional – Any supporting documentation	Set 4: Copies for You: <ul style="list-style-type: none">● Petition to Seal Case Records● Optional – Any supporting documentation

Step 3. Deliver or mail.

The completed petition can be filed in person or by mail. The Clerk of Superior Court is open Monday through Friday from 8:00 a.m. to 5:00 p.m. There is no filing fee.

Bisbee Office
Physical Address
100 Quality Hill Road
Bisbee, AZ 85603

Sierra Vista Office
Physical Address
100 Colonia de Salud
Suite 200
Sierra Vista, AZ 85635

Mailing Address
Clerk of the Superior Court
P.O. Box CK
Bisbee, AZ 85603

*Do not copy
or file this page*

Step 4. Wait for the Court to notify you.

- Upon filing the petition, notice of the petition will be given to the appropriate prosecutors as required by law.
- The prosecuting agency has thirty (30) days after the petition is filed to respond stating any objections to the petition. You may file a reply no later than fifteen (15) days after the response is filed.
- Requesting a hearing. If a hearing is requested by you, the prosecutor, the victim, or on the court's own motion, the Court will notify you. The petition may be ruled upon without a hearing. Keep in mind that you cannot request a hearing after the court rules on your petition – you must make the request beforehand.

- Appeal. If your petition is denied, you may appeal but only on the basis of your eligibility to petition the court.
- Mandatory waiting period if petition is denied. If your petition is denied, you must wait 3 years from the date of denial to file another petition.
- The Court must wait at least thirty (30) days before it can grant or deny the petition, unless the prosecuting agency and all victims provide notice that they do not object.
- You will be mailed a signed copy of the Order granting, denying, or dismissing your petition at the address listed on the petition. If your address changes, you will need to file a change of address form with the Clerk of Superior Court. The change of address form can be downloaded at:
<https://www.cochise.az.gov/DocumentCenter/View/1144/Address-and-Name-Change-PDF>
- If you have questions before you file the petition, you can contact the Clerk of Superior Court at 520-432-8600 or 520-803-3060. If you have not received an Order after 120 days from the date you submitted your petition, you can contact the Clerk of the Superior Courts office at 520-432-8600 or 520-803-3060.

Failure to provide enough details about the records you want to have sealed may result in the court dismissing your petition. If that occurs, you may file a new petition with additional details about your records.

If you have any questions regarding your rights, please refer to the Arizona Rules of Criminal Procedure and Title 13 of the Arizona Revised Statutes located at: <https://govt.westlaw.com/azrules> and <https://www.azleg.gov/arstitle/>.

Person Filing: _____

Address (if not protected): _____

City, State, Zip Code: _____

Telephone: _____

Email Address: _____

Lawyer's Bar Number: _____

Representing Self, without a Lawyer, or Attorney for State OR Defendant

For Clerk's Use Only

SUPERIOR COURT OF ARIZONA
IN COCHISE COUNTY

STATE OF ARIZONA

Case Number: _____

-vs-

PETITION TO SEAL CRIMINAL CASE
RECORDS
(A.R.S. § 13-911)

Defendant (FIRST, MI, LAST) _____

OR

In Re Matter of:

Name (if no charges were filed)

Read A.R.S. § 13-911 in its entirety before completing this petition. This petition is intended to help those who are seeking to seal a criminal case record under A.R.S. § 13-911 and refers solely to the records that exist under the control of the courts, Department of Public Safety, prosecutor's offices and law enforcement agencies. Any case record that was published or distributed prior to sealing may still be accessible and may not be impacted by the granting of an order to seal case records.

NOTE: Items marked with an asterisk (*) are required fields.

Pursuant to A.R.S. § 13-911, Petitioner hereby petitions the court to order the sealing of criminal case records related to Petitioner, as indicated in this petition. As grounds for this petition, Petitioner states as follows:

SECTION I. CASE RECORDS RELATED TO A CRIMINAL OFFENSE

1. PETITIONER'S INFORMATION (required)*

a. Petitioner's name: * _____

- b. Petitioner's address: * _____
- c. Date of birth: * _____
- d. Email address: * _____
- e. Name at the time of arrest, if not the same as above: * _____

2. CASE RECORD INFORMATION (required)*

- a. What were you charged with or the offense for which you were arrested if no charges were filed: _____

- b. Court that adjudicated the charge(s) or if charges were not filed, the court that would have adjudicated the charge(s): _____

- c. Court case number if charge(s) were filed: _____
 - 1. Count I: _____
 - 2. Count II: _____
 - 3. Count III: _____
 - 4. Count IV: _____

Additional counts continue on a separate page.

3. ADDITIONAL CASE RECORD INFORMATION (if known)

- a. Location of arrest: _____
- b. Name of the arresting agency: _____
- c. Date of arrest: _____
- d. Name of the prosecuting agency if charges were filed: _____

- e. Name of the justice court and the justice court case number if the case was initially filed in a justice court but was transferred to the superior court. _____

4. DESCRIBE YOUR SITUATION (required)*

You must check at least one box that applies to your situation.

- I was arrested for a criminal offense and no charges were filed. If checked, please go to Section III.
- I was charged with one or more criminal offenses and the charge(s) were subsequently dismissed or resulted in a not guilty verdict at trial. A dismissal or not guilty verdict was entered on _____.
- I was charged with a criminal offense and a judgment of guilt was entered on _____.

SECTION II. SENTENCE COMPLIANCE

1. I have satisfied all required monetary terms of the sentence, including outstanding fines, fees, restitution, or other court-ordered financial obligations.* Yes No N/A.
2. I have completed all other terms of the sentence, such as incarceration, probation, employment, classes, drug/alcohol testing, or other requirements.* Yes No N/A.
3. I have received an absolute discharge from the Arizona Department of Corrections.*
 Yes No N/A.

You may not file this petition if you checked "No" to questions 1, 2 or 3 above.

SECTION III. PRIOR SEALING OF RECORD(S)

1. Have you previously filed a petition to seal case records under A.R.S. § 13-911 in this case?
 Yes No.
If yes, what was the date of your last petition? _____

SECTION IV. OTHER INFORMATION FOR THE COURT

1. Have you been convicted of any other offenses since the conviction for which you are asking the court to seal records? Yes No.
2. Are there any pending charges that you are aware of that have been filed against you?
 Yes No Unknown.

3. Is there anything else you would like the court to consider regarding this petition?

4. Attached is other pertinent documentation (non-originals). List attached documents:

NOTICE

This petition may be denied if information in this petition is found to be inaccurate.

You must notify the court of any new charges that are filed against you after this petition is filed, regardless of state or jurisdiction.

If you filed an appeal from a limited jurisdiction court regarding the charges that you seek to have sealed, you must also file a petition in superior court if you want those records sealed.

DECLARATION

I declare under penalty of perjury that the information I have provided in this petition and any attachments is true and correct to the best of my knowledge.

Date

Petitioner / Petitioner's Attorney Signature

Printed Name: _____

Address: _____

City, State, Zip: _____

For Clerks Use Only

**SUPERIOR COURT OF ARIZONA
IN COCHISE COUNTY**

STATE OF ARIZONA, Plaintiff

-vs-

Defendant (FIRST, MI, LAST)

Case Number: _____

**ORDER REGARDING PETITION TO
SEAL CRIMINAL CASE RECORDS**
ARS § 13-911

Based on the information presented to the court, pursuant to ARS § 13-911, the petition requests sealing of the following records: *(Check only those that apply)*

- [] Arrest records of an arrest occurring on or about _____ [insert date]
by the following law enforcement agency: _____
_____.
- [] Charging documents created by the following prosecuting agency: _____
_____.
- [] All records relating to the eligible charge(s) in court case number _____.

I. THE COURT MAKES THE FOLLOWING FINDINGS OF FACT AND CONCLUSIONS OF LAW: *(Check only those that apply)*

- [] The Court is initially unable to act on the petition because it lacks a sufficient description of the records to be sealed. *(If this statement is selected, go directly to the Ordering section to dismiss the petition)*
- [] A copy of the petition and supporting documentation was provided to the applicable prosecuting agency.
- [] The prosecutor timely responded to the petition, **OR** [] the prosecutor has not responded to the petition and at least 10 days have passed since the petition was filed.

- [] If the prosecutor filed a response, the petitioner timely replied to the response.
- [] The Court's case file and electronic records that are the subject of the request for sealing have already been purged pursuant to the records retention schedule.
- [] It has been at least 30 days since the Petition to Seal Criminal Case Records was filed, **OR** it has been less than 30 days since the Petition to Seal Criminal Case Records was filed, but the court has received notice that the prosecutor and all victims who have made a request for post-conviction notice do not object to the Petition to Seal Criminal Case Records.
- [] The court has reviewed any report provided by the Department of Public Safety under ARS § 13-911(H).
- [] The defendant has not been subsequently convicted of a felony or misdemeanor offense other than a non-DUI Title 28 misdemeanor offense.
- [] The offense(s) described in the petition is eligible to be sealed under ARS § 13-911.
- [] The timeframes required by ARS § 13-911(E) have passed.
- [] The petition was filed in the correct court pursuant to ARS § 13-911(C).
- [] The defendant has completed all terms and conditions and sentencing, including the payment of all monetary obligations and restitution.
- [] Granting the petition **is** in the best interests of the petitioner and the public's safety.
- [] Granting the petition **is not** in the best interests of the petitioner or the public's safety, or the petitioner is not entitled to have the requested records sealed for the following reasons:
 - [] The timeframes required by ARS § 13-911(E) have not passed.
 - [] The offense(s) described in the petition is not eligible to be sealed under ARS § 13-911.
 - [] Other: _____.
- [] Other findings: _____.

II. THEREFORE, IT IS ORDERED:

A. [] DISMISSING the petition to seal criminal case records for:

- [] Failure to provide sufficient information.
- [] The petition was not filed in the correct court.
- [] Other reasons: _____

B. [] DENYING the petition to seal criminal case records.

C. [] **GRANTING** the petition to seal criminal case records.

IT IS FURTHER ORDERED, in accordance with ARS § 13-911,

Sealing all records relating to the petitioner's arrest, conviction and sentence for the particular offense(s) identified above.

Directing the Clerk of the Court to seal all case records relating to the petitioner's arrest, conviction, sentence for the particular offense(s) identified above and transmit a copy of this order to the Department of Public Safety and the prosecutor.

DATED this _____ day of _____, _____.

Judicial Officer

**IF THE COURT HAS DENIED YOUR PETITION, YOU MUST WAIT AT LEAST 3 YEARS
AFTER THE DATE OF THE DENIAL BEFORE YOU CAN FILE A NEW PETITION.**