

APPLICATION TO SET ASIDE

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or file this copy page

Application to Set Aside a Judgment of Guilt

(Forms & Instructions)

Law Library Resource Center

APPLICATION TO SET ASIDE CONVICTION

CHECKLIST

You may use the forms and instructions to ask the Court to set aside a conviction if . . .

- ✓ Your case was handled in the Superior Court of Arizona in Maricopa County; AND
- ✓ You have read the set aside conviction statutes (A.R.S. § 13-907 and those that follow), and you are eligible under the statutes; OR
- ✓ You are asking the Court to reconsider a denial of a previous application.

DO NOT USE THE FORMS in this packet if:

- ✗ Your conviction was from a justice, city or magistrate court. Contact that court for further information.
- ✗ You are looking for "expungement." Arizona does not expunge criminal records. An order setting aside the judgment of conviction pursuant to A.R.S. § 13-907 DOES NOT REMOVE the conviction from the public record. Arizona law deems this a matter of public protection.

READ ME: Consulting a lawyer before filing documents with the court may help prevent unexpected results. A list of lawyers you may hire to advise you on handling your own case or to perform specific tasks can be found on the Law Library Resource Center website.

APPLICATION TO SET ASIDE A CONVICTION

FORMS AND INSTRUCTIONS

This packet contains court forms and instructions to file for Application to Set Aside. Items in **BOLD** are forms that you will need to file with the Court. Non-bold items are instructions or procedures. Do not copy or file those pages!

Order	File Number	Title	# Pages
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The documents you have received are copyrighted by the Superior Court of Arizona in Maricopa County. You have permission to use them for any lawful purpose. These forms shall not be used to engage in the unauthorized practice of law. The Court assumes no responsibility and accepts no liability for actions taken by users of these documents, including reliance on their contents. The documents are under continual revision and are current only for the day they were received. It is strongly recommended that you verify on a regular basis that you have the most current documents.

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INSTRUCTIONS: HOW TO COMPLETE THE FORMS AND STEPS TO SET ASIDE A CONVICTION OF GUILT

Things to consider before filing this application:

1. If your conviction was from a justice, city or magistrate court, please contact that court for an application and information about your case.
2. If you have multiple cases, you must make a separate application for each case number. The Court must decide each one separately.
3. If the Court grants an application to set aside a conviction or to reinstate civil rights, the case is not sealed and the case remains a public record. Information is not removed from the Clerk of Superior Court's or other public information webpages. An order setting aside a judgment of conviction pursuant to A.R.S. § 13-907 does not remove the conviction, and the conviction remains a public record. Arizona law deems this a matter of public protection.

STEP 1: In **BLACK INK**, please complete the forms in this packet with instructions below.

FORM: APPLICATION TO SET ASIDE CONVICTION

HEADING

- At the top of the form, please fill in your name, street address, city, state, zip code, telephone number (if not protected), attorney bar number (if you are represented by an attorney).
- Put a check in the box if you are representing yourself.
- If you have an attorney representing you, place a check in that box.
- Write your first and last name on the line above "Defendant."
- Enter your date of birth.
- Check the box to identify who the applicant is.
- Write in your case number on the line at the upper right side of the page, and on the following pages.
- If a prior application to set aside a conviction was denied, check the box to tell the Court that this is a *Request for Reconsideration*.

CONVICTIONS

- Enter the date of your conviction. Enter the charges of your conviction.

- Information about your conviction may be found online at the Superior Court's website: <http://www.superiorcourt.maricopa.gov/docket/CriminalCourtCases/caseSearch.asp>. You may also come to a Law Library Resource Center or Clerk of Superior Court location to look up your case. See: www.superiorcourt.maricopa.gov or <http://www.clerkofcourt.maricopa.gov/copies.asp> for locations and more information.

SENTENCE COMPLIANCE

1. Check a box to indicate whether this is your first felony conviction or whether you have other felony convictions. If you have other felony convictions, identify the court and case number of each case.
2. Place a check in the boxes that apply to your sentencing.
3. Place a check if you have completed probation. Be prepared to provide the order discharging you from probation.
4. Place a check if you have completed all required terms of your sentence.
5. If you have not completed ALL terms of your sentence, use the lines provided to explain.
6. Place a check in the box if you served a prison sentence and have received a *Certificate of Absolute Discharge from Imprisonment* from the Department of Corrections. Be prepared to provide the order discharging you from prison.
7. Answer whether you have paid victim restitution in full. If you have not, then use the lines provided to explain why not.
8. Answer whether you have paid all other court-ordered monetary obligations to your case. This includes restitution or other criminal fines and fees. If obligations remain unpaid, use the lines below to explain. You can get a financial statement and payment history from the Clerk of Superior Court's Criminal Financial Obligations Section. You may request a payment history in person from the Criminal File Counter, South Court Tower, 175 West Madison Street, 12th Floor, Phoenix, AZ 85003 or the File Counter, Southeast Regional Court Facility, 222 East Javelina Avenue, Mesa, AZ 85210. You will need to fill out a request and pay a fee, and the payment history will be sent to you. Contact Criminal Financial Obligations for details and more options at (602)372-5375.

PRIOR SET ASIDE(S)

- Answer the questions regarding prior set aside applications and the dates of their submittal. Answer whether you have been previously granted or denied a set aside.

PENDING CASES AND ACTIVE WARRANTS

- Tell the Court whether there are any open criminal cases against you. Tell the Court whether you have an active warrant. If you answer "Yes" to either of these questions use the lines provided to explain.

OTHER INFORMATION FOR THE COURT

1. Use the lines provided to explain anything else you would like the Court to take into consideration about the things you have asked for in this application.
2. If you are providing documents, list the documents in the lines provided.
3. Answer whether you would like a hearing regarding your set aside application. NOTE the court may decide on the application WITHOUT a hearing even if you request one.

SIGNATURES AND DATES

- Review everything you wrote on the form.
- Sign and date your signature on the lines provided or sign the authorization for your attorney or Probation Officer to proceed on your behalf.

STEP 2: PUT DOCUMENTS TOGETHER

- You will need the following forms

- Original “Application to Set Aside Conviction”
- Copy of “Certificate of Absolute Discharge from Imprisonment” from Arizona Department of Corrections
(if applicable)
- Copy of “Discharge from Probation”
(if applicable)
- OPTIONAL – Any other documentation to show extraordinary circumstances, such as rehabilitation or other change of circumstance.

STEP 3: DELIVER OR MAIL

- The completed application can be filed in person, mailed, eFiled, or deposited in the external depository boxes as described below. The Clerk of Superior Court is open Monday through Friday from 8:00 a.m. to 5:00 p.m.

- File in Person at:

Criminal File Counter
South Court Tower
175 W. Madison Street, 12th Floor
Phoenix, AZ 85003

File Counter
Southeast Regional Court Facility
222 E Javelina Avenue
Mesa, AZ 85210

- Mail to:

Maricopa County Clerk of the Superior Court
Criminal File Counter
175 W. Madison Street, 12th Floor
Phoenix, AZ 85003
ATTN: Restoration of Civil Rights Clerk

- eFile via: <https://efiling.clerkofcourt.maricopa.gov/>.

- Leave in external deposit box at:

County Administration Building
4th Avenue entrance
301 West Jefferson Street
Phoenix, AZ 85003

Southeast Facility Court Facility
North entrance
222 East Javelina Avenue
Mesa, AZ 85210

Northeast Regional Center
Main entrance
18380 North 40th Street
Phoenix, AZ 85032

Northwest Regional Center
Main entrance
14264 West Tierra Buena Lane
Surprise, AZ 85374

STEP 4: WAIT for the Court to notify you.

- Upon filing the application, notice of the application will be given to the appropriate prosecutors as required by law.
- If you requested a hearing and a hearing is set, the Court will notify you. The application may be ruled upon without a hearing.
- You will be mailed a signed copy of the Order granting or denying all or part of your request(s) at the address listed on the application form. Please be sure your current mailing address is updated with the Court. If your address changes, contact the Clerk of Superior Court at (602)372-5375.

- If you have questions before you file the application, you can contact the Clerk of Superior Court at (602)372-5375. If you have not received an Order after 120 days from the date you submitted your application, you can contact Criminal Administration at (602)506-8575.

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:

<http://government.westlaw.com/linkedslice/default.asp?SP=AZR-1000>

<http://www.azleg.state.az.us/FormatDocument.asp?inDoc=/ars/13/00905.htm&Title=13&DocType=ARS>

Do not copy
or file this page

Person Filing: _____
Address (if not protected): _____
City, State, Zip Code: _____
Telephone: _____
Email Address: _____
Lawyer's Bar Number: _____

For Clerk's Use Only

Representing Self, without a Lawyer or Attorney for Petitioner OR Respondent

SUPERIOR COURT OF ARIZONA IN MARICOPA COUNTY

STATE OF ARIZONA, Plaintiff
-vs-

Case Number: _____

APPLICATION TO SET ASIDE CONVICTION A.R.S. § 13-907

DEFENDANT (First, MI, Last)

Date of Birth: _____

Note: Includes application to restore gun and
firearm rights pursuant to A.R.S. § 13-907(J)

Applicant is: Defendant
 Attorney for Defendant
 Probation Officer

REQUEST FOR RECONSIDERATION
(for applications previously denied)

SECTION I. CONVICTION(S)

A Judgment of Guilt was entered in the Superior Court of Arizona in Maricopa County against me, the defendant, on the _____ day of _____, 20_____, on the conviction of:

1. Count I: _____
2. Count II: _____
3. Count III: _____
4. Count IV: _____

Additional counts continue on a separate page.

SECTION II. SENTENCE COMPLIANCE

1. This is my first felony conviction in this or any other State.

OR

- I have also been convicted of a felony in the following Court(s):

Court Name: _____ in case number _____

Court Name: _____ in case number _____

(Attach a separate page for additional cases and convictions)

2. I was sentenced to: a term of probation the Department of Corrections
3. I completed the conditions of probation. The Probation Department's order discharging me from probation is attached to this application, if available.
4. I have complied with all the required terms of the sentence (including all probation, employment, classes, community service, victim restitution or other court ordered monetary obligations, drug/alcohol testing, or other requirements.)
5. I have not complied with all terms of my sentence. Explain: _____

6. I received a *Certificate of Absolute Discharge from Imprisonment* from the Arizona Department of Corrections AND have attached a copy of that Certificate to this application, if available.

7. Have you paid victim restitution in full? Yes No

If not, a set aside of judgment of conviction will be denied without a showing of extraordinary circumstances. If you believe you have extraordinary circumstances, explain below. (Attach documentation you think is relevant for the court's consideration.)

8. Have you paid all other court-ordered monetary obligations in this case (criminal fines and fees) in full?

Yes No If not, please explain:

In some circumstances, you may be eligible to apply to the court to mitigate the amount owed or convert monies owed to community restitution.

SECTION III. PRIOR SET ASIDE(S)

1. Have you previously applied to set aside any conviction? Yes No

If so, what was the date of your last application? _____

2. Have you previously been granted a set aside? Yes No

3. Have you previously been denied a set aside? Yes No

SECTION IV. PENDING CASES AND ACTIVE WARRANTS

1. Are there any open criminal cases against you? Yes No

2. Do you have an active warrant? Yes No

If yes to either question above, please explain:

SECTION V. OTHER INFORMATION FOR THE COURT

1. Is there anything you would like the court to take into consideration?

2. Attach any other information you would like the court to consider. List attached documents:

3. The court may decide on this application without a hearing unless a hearing is requested by you, the prosecutor's office, or the victim. (*Check the box below if you are requesting a hearing.*)

Hearing requested? Yes No

Case Number: _____

I understand that this application may be denied if information in this application is found to be inaccurate.

I understand that even if I am granted the right to possess a gun or firearm under Arizona law, it may not give me the right to possess a firearm under federal law.

I declare under penalty of perjury that the information provided in this application and any attachments is true and correct.

Applicant's Name Printed

Applicant's Signature

Address

AUTHORIZATION TO PROCEED ON BEHALF OF DEFENDANT

I authorize _____ Attorney, or Probation Officer to petition the Superior Court of Arizona in Maricopa County, to take the above-indicated action.

Date

Defendant's Signature