

**THE SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY**

STATE OF ARIZONA

CASE NO: CR

v.

APPLICATION TO:

RESTORE CIVIL RIGHTS

RESTORE GUN RIGHTS – Complete and Attach Request to Restore Right to Possess or Own Firearms.

SET ASIDE JUDGMENT OF GUILT

REQUEST FOR RECONSIDERATION:
Complete and attach Request for Reconsideration
 Civil Rights Gun Rights Set Aside Judgment

DEFENDANT

Date of Birth: _____

DEFENDANT _____, states:

1. I was convicted on _____ (date).

2. I was convicted of:

- a. Count I: _____ misdemeanor felony
 - b. Count II: _____ misdemeanor felony
 - c. Count III: _____ misdemeanor felony
 - d. Count IV: _____ misdemeanor felony
- (please attach separate page for any additional counts)

3. I completed probation on _____.

OR,

My absolute discharge from the Department of Corrections was _____, and more than two (2) years has passed since my discharge.

4. This conviction is my only felony conviction from any court.

OR,

I was also convicted of a felony in ____ (year) from _____ (court / state) of _____ (name of crime)

5. I paid all of my fines, fees and other financial obligations for this conviction. Yes No

I swear to the truthfulness of these statements.

Defendant's Signature

Date

Telephone Number

Defendant's or Representative's complete address

E-mail address: (required if requesting copy of Notice)

Representative's signature (if applicable). *Attach Authorization

Date

Telephone Number

Name:	
Address:	
City & State:	
Email:	
Phone:	

**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA**

<u>STATE OF ARIZONA</u> PLAINTIFF VS. <hr/> DEFENDANT	CASE NUMBER: CR _____ <input type="checkbox"/> REQUEST TO RESTORE RIGHT TO POSSESS OR OWN FIREARMS <input type="checkbox"/> REQUEST FOR RECONSIDERATION
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I ask that I be allowed to possess or own a gun or firearm because:

Defendant's Signature Date

FOR FEDERAL CASE USE ONLY

DEFENDANT, in person or by an authorized representative, alleges: (use for **Federal** Restoration of Civil Rights only)

5. A Judgment of Guilt was entered against the defendant on the _____ day of _____, _____, on the conviction of:

_____ , in the:

Federal District Court for the district of: _____

Received from the Director of the **Federal** Bureau of Prisons an absolute discharge and has attached a copy of all supporting documents.

* **Federal Case use only** – Complete all required information on page 1 (disregard questions 1 – 4).
Complete the required information for question 5, sign, date and attach to the first page of the Application.

Defendant's Signature

* **Required for Federal Case use only***

Date

RESTORATION OF CIVIL RIGHTS
RESTORATION OF GUN RIGHTS
SET ASIDE JUDGMENT OF GUILT

Listed below are the ways in which a person can apply to the Superior Court to set aside a judgment of guilt, and/or restore civil rights in Arizona. The attached application must be completely filled out, dated and signed. All instructions must be followed. All answers must be complete. If you need information regarding this conviction contact the Maricopa County Clerk of Court Customer Service Center, 601 West Jackson, Phoenix, between the hours of 8:00 a.m. to 5:00 p.m., excluding holidays and weekends.

Information may be available at;

<http://www.clerkofcourt.maricopa.gov/copies.asp>

If an application to set aside a conviction is granted or if civil rights are re-instated, the case is not sealed and information is not removed from viewing by the general public. An order setting aside the judgment of conviction pursuant to A.R.S. § 13-907 does not remove the conviction and the conviction remains in the public record. Arizona law deems this a matter of public protection.

Even if the judgment of guilt is set aside pursuant to A.R.S. § 13-907, the person convicted cannot claim that he or she was not convicted of a crime, unless the person also provides notice of the order setting aside the conviction.

If you were sentenced to prison, you must obtain a statement of Absolute Discharge from the Department of Corrections (DOC). DOC's office is located at 1601 West Jefferson, Phoenix, AZ. Before issuing the statement, DOC will require proof of payment of all financial obligations. Therefore, get a copy of your payment history from the Superior Court before you go to DOC. A payment history report is available from the Maricopa County Clerk of Court Criminal Financial Obligations Section, which may be reached at 602-37-CLERK (25375). Information may be found at:

<http://www.azcorrections.gov/adc/email.asp>

Consider three (3) points before filing this application:

1. If you were convicted of a misdemeanor, you did not lose your civil rights; therefore, part of the process does not apply.
2. If your conviction was from a justice, city or magistrate courts, please contact that court for further information.
3. If you have multiple convictions, you must make a separate application for each conviction. the court must act on each one separately in one of the following ways:
 - a. You must prepare and file a separate application for each case number.
 - b. For each case and for each count within each case, you must identify if the conviction was a felony or misdemeanor.
 - c. If you had two or more counts under any case number (i.e., CR123456, Counts II and IV), identify each count in question #2.

NOTE: Be sure to answer question #2 on the application

The completed application must be mailed or delivered to:

Clerk of the Superior Court
Criminal File Counter
175 West Madison Street
Phoenix, AZ 85003
ATTN: Restoration of Civil Rights Clerk

I. REPRESENTATION BY ATTORNEY

If an attorney represents you on this application, you must submit an authorization in writing allowing the attorney to act on your behalf. The attorney's address (including email address) must appear on the application.

II. SUPERIOR COURT OF ARIZONA

A person convicted of a felony in Arizona may apply to the court to set aside the judgment of guilt and for the restoration of civil rights. The application should be submitted in the court for that conviction.

- a. If you were placed on probation and successfully completed probation, you must include the date of completion on the application. This information will be given to you by the Probation Office on request or by calling 602-506-7249. You may also obtain a copy of your probation release from the Clerk's Office, Customer Service Center at 601 W. Jackson. Be sure to complete question #3 on the application.
- b. If you were sentenced to prison, you must obtain and attach a copy of the statement of Absolute Discharge to the application. The Absolute Discharge must be *at least two (2) full years ago*. Be sure to complete question #3 on the application.

* If this is your first felony conviction and you served prison time, you are not required to wait two (2) full years before applying.

** If you are applying to set aside your judgment of guilt only, you are not required to wait two years from you Absolute Discharge.

III. REQUEST TO POSSESS FIREARMS

If you are requesting that your right to possess a gun be restored, attach the "Request to Restore Right to Possess or Own Firearms" to your application.

***If the court set aside your judgment of guilt and you were not convicted of a dangerous offense under A.R.S. 13-706 your right to possess a gun was restored when the court set aside your judgment. If your civil rights have been restored but your judgment of guilt was not set aside, your gun rights have not been restored.

IV. REQUEST FOR RECONSIDERATION

If a prior application was denied, and you are renewing that application, attach the "Request for Reconsideration." You must complete the top section of the Request. In the body of the Request, please state to the judge what you are wanting and why you are requesting reconsideration. Sign and date the bottom of the Request and submit it with the Application.

V. PROCEDURE AFTER FILING

Upon filing the application, notice of the application will be given to the appropriate prosecutors as required by law. *This is not an open hearing and the application is ruled upon in a closed session. No appearance is required. You will receive a signed copy of the Order granting or denying all or part of your request(s) at the address listed on the Application form.*

If you have any questions regarding your rights, please refer to The Arizona Rules of Court or 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>

If you have a question regarding your application, you may contact the Restoration Clerk at 602-37-CLERK (25375).

If your civil rights have been restored, in order to be eligible to vote, you must complete and submit a new voter registration form. The felony conviction resulted in the canceling of your registration and merely having civil rights restored does not “un-cancel” the registration. A new registration form is required. Please refer to the Maricopa County Recorder’s Office for additional questions about voter registration.