

SUPERIOR COURT OF ARIZONA
IN _____ COUNTY

STATE OF ARIZONA
Plaintiff

Case Number: _____

v.

**APPLICATION TO RESTORE
CIVIL RIGHTS AFTER FEDERAL
FELONY CONVICTION**

Defendant

Date of Birth

Defendant, _____, **states:**

1. I was convicted on _____ (date), in Federal District Court for the District of _____.

2. I was convicted of:
 - a. Count I: _____
 - b. Count II: _____
 - c. Count III: _____
 - d. Count IV: _____(Please attach separate page for any additional Counts.)

3. My absolute discharge from the Federal Bureau of Prisons was on _____

INSTRUCTIONS FOR RESTORATION OF CIVIL RIGHTS & SET ASIDE PETITION

I. WHAT DOES RESTORATION OF CIVIL RIGHTS AND SET ASIDE MEAN?

If you have been convicted of a **felony** (or felonies), you lost certain civil rights including:

- * the right to vote
- * the right to serve on juries
- * the right to hold certain public offices
- * the right to possess guns or firearms

If you were convicted of a **misdemeanor**, you did not lose any civil rights and you do not need to petition for restoration. There is an exception. Defendants convicted of certain types of charges of domestic violence either misdemeanor or felony, may be prohibited from possessing guns and listed in a federal registry, pursuant to federal law. This prohibition cannot be reversed through the restoration process.

A **Petition to Restore Civil Rights** is a request for a judge to restore rights lost as a result of a criminal conviction, listed above. NOTE: Rights to possess a firearm are discussed in further detail in Section IV.

A **Petition to Set Aside** is a request for a judge to overturn a judgement of guilt. If your **Petition to Set Aside** is granted, the court will set aside the judgement, and dismiss the complaint, information or indictment. The Clerk of the Court will notify the Arizona Department of Public Safety regarding your set aside order. NOTE: A Set Aside order does not completely remove your criminal history or seal your court record.

BOTH a Petition to Restore Civil Rights and a Petition to Set Aside are discretionary. Meaning a judge will determine whether to grant or deny your request.

YOU DO NOT QUALIFY FOR A SET ASIDE IF YOU WERE CONVICTED OF ONE OF THE FOLLOWING:

1. A dangerous offense
2. If you are required to register as a sex offender
3. If the offense was found to have a sexual motivation
4. If the victim was under 15 years of age; or
5. Certain traffic offenses in Title 28.

II. GENERAL INFORMATION ABOUT FILING PETITIONS:

PLEASE READ AND FOLLOW ALL THE INSTRUCTIONS CAREFULLY

Completed Petitions, with all required attachments, must be filed with:

Criminal Section of the Pima County Superior Court Office of the Clerk
110 W. Congress St., Tucson, Arizona 85701
Located on the first floor

Questions can be directed to: (520) 724-3228. Forms and information about restoration can also be found online at: <http://www.cosc.pima.gov/home.asp?include=pages/criminalforms.htm>

There are **no filing fees** for Petitions to Restore Civil Rights or Set Aside Convictions. However, a judge may consider if the fines, fees and restitution previously ordered are paid when deciding whether to grant your request. Payment history can be obtained by contacting the Financial Obligations Section of the Clerk's Office at (520) 724-3263.

You do not need to be represented by an attorney to file a Petition. Please be aware that the Clerk's Office cannot give you legal advice and will file your Petition in whatever form you present it. If you have legal questions, you must refer them to an attorney.

If you have questions about completing your Petition or need legal advice, you may contact:

Professor Andrew Silverman
Civil Rights Restoration Clinic - University of Arizona College of Law
Telephone: (520) 621-1975 Email: silverman@law.arizona.edu

III. WHAT YOU NEED TO COMPLETE A PETITION:

Make sure that you answer every question, fill in every blank line, and check every applicable box on the Petition. Also, make sure you attach to your Petition all required documents necessary to process your request.

If you were sentenced to **state prison** and are applying for Civil Rights Restoration, you **must obtain** a copy of your Certificate of Absolute Discharge, from the Arizona Department of Corrections (DOC). DOC is located at 1601 W. Jefferson, Phoenix, AZ 85007.

Further information may be found online at: <http://www.azcorrections.gov/adcc/email.asp>

If you were sentenced to **federal prison**, you **must request** a copy of your Certificate of Absolute Discharge, from the Federal Bureau of Prisons. The Bureau of Prisons is located at: 320 First Street, NW, Washington, DC 20534. If the Bureau of Prisons is unable to provide you with a Certificate of Absolute Discharge, you **must** attach to your Petition proof that you requested a Certificate, as well as any official documentation that is provided in response to your request.

If you were sentenced to a term of **federal probation**, you **must obtain** a copy of your Affidavit of Discharge from probation or the Order Terminating Probation, issued by the sentencing judge upon your successful termination from probation.

NOTE: Your proof of discharge from state or federal prison or probation must be dated at least two (2) full years prior to the date your Petition is filed.

Please note:

1. Pima County Superior Court **will only** accept Petitions concerning convictions in Pima County Superior Court or in a United States District Court. It **will not** accept Petitions concerning convictions in a Justice Court or City Court in Pima County, you must go directly to the lower court where conviction occurred to set aside those matters.

2. If you were convicted of **multiple felony** offenses, the Court must consider each one separately.

- If you have more than one case number, you must prepare and file a separate Petition for each case.
- If your case involved multiple counts, you must list each one, but do not need to file a separate Petition for each count.
- If you have both state and federal convictions, you must fill out separate Petitions for each one.

A Pima County Superior Court judge can grant restoration of civil rights under Arizona state law and has no authority to grant restoration of civil rights under federal law or under the laws of another state. If you want civil rights restored elsewhere, you **must** petition each state separately.

IV. REQUEST TO POSSESS A GUN OR FIREARM:

Please note that you may not petition for restoration of gun rights sooner than **two (2) years from the date you were successfully discharged from prison or probation**. If you were convicted of a **serious offense** as defined in A.R.S. 13-706 you are not be eligible to have your right to possess a gun restored until 10 years from date of discharge of probation.

V. WHAT TO EXPECT AFTER FILING A PETITION?

After receiving your Petition, the Clerk's Office will serve a copy of it on the State agency that prosecuted your case. The State may respond to your Petition and may recommend that the Court grant your request for restoration or deny it. If the State responds, it must serve a copy of its response on you.

Some Petitions for Restoration of Civil Rights and/or Set Asides are decided without a hearing. If this happens, you will receive a copy of a Minute Entry from the Court indicating whether your Petition was granted or denied. Otherwise, you will be notified approximately 45 days from the date of submission, advising you of a hearing date as to when your case will come before a judge for a decision. **YOU ARE REQUIRED TO ATTEND THE HEARING**. If physical attendance is impossible, you must request the judge, **in writing**, for permission to attend via telephone.

If you have additional questions regarding your rights, you may want to refer to Title 13 of the Arizona Revised Statutes, A.R.S. § 13-904 through A.R.S. § 13-910, located online at: <https://www.azleg.gov/arsDetail/?title=13>

You can also do an Internet search of "Arizona Revised Statutes."