

SUPERIOR COURT OF ARIZONA
IN _____ COUNTY

STATE OF ARIZONA _____

Plaintiff

v.

Defendant

Date of Birth

Case Number: _____

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, _____, 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

Case Number: _____

- 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).

Date

Telephone Number

*Attach Authorization

Person Filing: _____
Address: _____
City and State: _____
Telephone Number: _____
Email Address: _____

SUPERIOR COURT OF ARIZONA
IN _____ COUNTY

STATE OF ARIZONA _____

Plaintiff

v.

Defendant

Date of Birth

Case Number: _____

- REQUEST TO RESTORE RIGHT TO POSSESS OR OWN FIREARMS
- REQUEST FOR RECONSIDERATION

I ask that I be allowed to possess or own a gun or firearm because:

Defendant's Signature

Date

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

STATE OF ARIZONA

CASE
NUMBER:

_____ (Must submit a separate notice for each case)

VS.

DEFENDANT (Print name)

NOTICE OF HEARING

NOTE: Defendant should not fill out the information on the hearing date and place, below. The Court will complete it and send Defendant a copy. Defendant should, however, sign, date and provide his/her mailing address at the bottom of this page.

PLEASE TAKE NOTICE that the Defendant's Petition for Restoration of Civil Rights and/or Set Aside of Judgment will be brought for hearing before the Pima County Superior Court, Division _____, on the _____ day of _____, 201____, at the hour of _____ a.m./p.m. Defendant must attend this hearing.

DATED this _____ day of _____, 201____.

Defendant's or Attorney's Signature

Date

Telephone Number

Defendant's or Attorney's complete mailing address

Distribution:

Hon. _____, Div. _____

Defendant

Clerk's Office – Criminal Section

Pima County Attorney – Criminal Division (if state case)

Arizona Attorney General – Criminal Section (if federal case)

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/adc/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."