

REDUCE CLASS 6 UNDESIGNATED FELONY TO A MISDEMEANOR

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Forms and Instructions

Law Library Resource Center

Application to reduce Class 6 undesignated felony to a misdemeanor

Checklist

You may use these forms if . . .

- ✓ The class six felony conviction is undesignated at the time of this application.
- ✓ Prior to admitting to or being found guilty of this class 6 undesignated felony, you had not been convicted of two felony offenses.
- ✓ The class 6 felony did not involve the intentional or knowing infliction of serious physical injury.
- ✓ The class 6 felony did not involve the discharge, use or threatening exhibition of a deadly weapon or dangerous instrument.
 - Deadly weapon means anything designed for lethal use, including a firearm.
 - Dangerous instrument means anything that under the circumstances in which it is used, attempted to be used or threatened to be used is readily capable of causing death or serious physical injury.
- ✗ You are not eligible for relief if the Court designated it a felony or the parties stipulated at the time of sentencing that the offense would be a designated felony.

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, as well as a list of court-approved mediators can be found on the Law Library Resource Center website.

Application to reduce Class 6 undesignated felony to a misdemeanor

This packet contains court forms and instructions to file (fill in reason for forms and instructions). 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!

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Instructions for applying for Class 6 undesignated felony to be designated a misdemeanor

Please read the following before completing the attached Application.

Any information needed from the court to fully complete the Application is available at the Clerk of Superior Court's Customer Service Center located at 601 West Jackson Street in downtown Phoenix. Hours are 8:00 a.m. to 5:00 p.m., excluding holidays and weekends. They may be contacted at: (602) 372-5375.

To be eligible to have your class six felony designated a misdemeanor, the following must apply:

1. The class six felony conviction must be undesignated at the time of the application. You are not eligible for relief if the Court designated it a felony or the parties stipulated at the time of sentencing that the offense would be a designated felony.
2. Prior to admitting to or being found guilty of the class 6 undesignated felony, you had not been convicted of two felony offenses.
3. The class 6 felony did not involve the intentional or knowing infliction of serious physical injury.
4. The class 6 felony did not involve the discharge, use or threatening exhibition of a deadly weapon or dangerous instrument.
 - Deadly weapon means anything designed for lethal use, including a firearm.
 - Dangerous instrument means anything that under the circumstances in which it is used, attempted to be used or threatened to be used is readily capable of causing death or serious physical injury.

Fill out the entire application

- In the body of the Application, explain what you are requesting and why. For example: "I want my felony conviction of a class 6 undesignated felony reduced to a misdemeanor to improve my ability to obtain employment."
- Write in the date you mailed or delivered the copy of the Application to the prosecuting agency.

Order Designating Class 6 Felony as a Misdemeanor

- Write in your name as “Defendant,” the case number, and the name of the Class 6 felony to which you plead guilty or were otherwise convicted.

Next: Go to the “Procedures” page for information and instructions on how to file your Motion (and what to do with the extra copies).

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FILE THIS
DOCUMENT

Procedures: How to file the forms to have your Class 6 undesignated felony re-classified as a misdemeanor

Step 1: Complete the Application and the Order (except for the Judicial Officer's signature), and:

- Make 3 copies of the Application, and
- Make 2 copies of the Order,

Step 2: Prepare 2 envelopes, including postage: (if applicable* – see below)

- Address one to the Maricopa County Attorney's Office as directed in the "Instructions" document.
- Address one envelope to yourself (if you want the Court to mail the decision to you).

* If hand-delivering to the Maricopa County Attorney's Office you may simply deliver the Application without envelope (or in an envelope without postage).

Step 3: Go to the Clerk of Superior Court filing counter to file your papers. The court is open from 8am-5pm, Monday-Friday. You may file your papers at any of the following Superior Court locations:

Central Court Building
201 W. Jefferson
Phoenix, AZ 85003

Southeast Court Facility
222 E Javelina Ave, 1st Floor
Mesa, AZ 85210

Northwest Regional Court Facility
14264 W Tierra Buena Lane
Surprise, AZ 85374

Northeast Regional Court Facility
18380 N 40th Street
Phoenix, AZ 85032

Give all four of the forms to the Clerk at the filing counter. There is no fee for filing this application. The clerk will stamp the original and copies, keep the original, and return the copies to you.

- One copy is for the Maricopa County Attorney's office. Hand-deliver or insert Application in envelope and mail.
- One copy is for the Judicial Officer assigned to your case.
- One copy is for you to keep for your records.

Step 4: Go to Criminal Court Administration (ask filing counter for location). Deliver to the inbox of the Judicial Officer assigned to your case:

- 1 copy of the Application,
- 2 copies of the Order, and
- The self-addressed stamped envelope addressed back to you.

If you do not know which Judicial Officer is currently assigned to your case, you may call Criminal Court Administration at (602) 506-8575 or ask the person at the Administration counter for help.

Alternatively, you may mail the above to: Criminal Court Administration, 201 W. Jefferson Street, Phoenix, AZ 85003

Step 5: Mail or deliver 1 copy of the Application to the agency that prosecuted your case, either the:

Maricopa County Attorney
225 West Madison Street
Phoenix, Arizona 85003

Or

Arizona Attorney General's Office
2005 North Central Avenue
Phoenix, Arizona 85004

What next? Wait. There is no specific time limit for the Judicial Officer to rule on your request.

- If you have not received a copy of the Court's Order (if you provided an envelope), or
- If no decision has been posted in the Clerk of Superior Court's Electronic Court Records (ECR) within 30 business days, you may inquire with the Judicial Assistant of the assigned Judicial Officer or contact Criminal Court Administration for an update.
- You may register for free access to your online electronic court records at:

<https://ecr.clerkofcourt.maricopa.gov/login.aspx>

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

SUPERIOR COURT OF ARIZONA
IN MARICOPA COUNTY

STATE OF ARIZONA,
Plaintiff

Case No: _____

v.

APPLICATION TO DESIGNATE
A CLASS 6 UNDESIGNATED
FELONY AS A MISDEMEANOR

Defendant

On the _____ day of _____, 20____, I was convicted of

a class 6 undesignated felony, by Judge
_____, in Maricopa County Superior Court.

This was either my first or second felony conviction. In addition, this class 6 felony conviction was not a dangerous offense in that it did not involve the intentional or knowing infliction of serious physical injury or the discharge, use or threatening exhibition of a deadly weapon or dangerous instrument.

The checked items apply to this application.

On the _____ day of _____, 20____, I completed the conditions of my probation and the Probation Department's order discharging me from probation is in the Court file or attached to this form,

OR

I am still on probation. My Probation Officer is _____,
AND

I have complied with all required terms of my probation (including all employment, classes, community service, restitution, drug/alcohol testing, or other requirements),
OR

I have not complied with all terms of my probation.

If you have not complied with all terms of your probation, explain below:

I have been charged with or convicted of a felony offense since the date of my conviction for this offense. The case number and charges are as listed below.

Case Number	Name/type Felony Offense(s) Charged or Convicted of

I request that the class 6 undesignated felony of which I was convicted in this case, be designated a misdemeanor for the following reason(s)

Therefore, based on A.R.S. § 13-604, I respectfully request this Court designate the offense a misdemeanor.

Submitted this _____ day of _____, 20__.

Defendant's Signature

Defendant's Printed Name

Certificate of Mailing

Original + one copy filed with the Clerk of Superior Court on

_____, 20____
Month Day Year

One copy of this document was sent via first class mail or hand-delivered on (date below),

_____, 20____
Month Day Year

To:

Maricopa County Attorney
225 West Madison Street
Phoenix, Arizona 85003

Or, if the case was prosecuted by the Attorney General rather than the County Attorney,

To:

Arizona Attorney General's Office
2005 North Central Avenue
Phoenix, Arizona 85004

For Clerks' Use Only
(Para uso de la Secretaria solamente)

SUPERIOR COURT OF ARIZONA
IN MARICOPA COUNTY

STATE OF ARIZONA,
Plaintiff

Case No: _____

v.

ORDER TO DESIGNATE A
CLASS 6 UNDESIGNATED FELONY
A MISDEMEANOR

Defendant

There being good cause, IT IS ORDERED designating the class 6 undesignated felony for the conviction of the offense of _____ a misdemeanor.

Done in open court this ____ day of _____, 20__.

Judicial Officer