

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. § 13-905 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:** Fill out the information requested at the top of the form.

If a prior application to set aside a conviction or application for Certificate of Second Chance was denied, check the box to tell the Court that this is a Request for Reconsideration.

- **Conviction(s):** Provide the requested information about your prior conviction(s).

Information about your conviction(s) 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. For locations and more information, see: www.superiorcourt.maricopa.gov or <http://www.clerkofcourt.maricopa.gov/copies.asp>.

- **Sentence Compliance:** Provide the information requested on sentence compliance.

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):** Provide the requested information about your previous set aside applications.
 1. If you have previously received a certificate of second chance on the set aside of a felony conviction, you cannot receive a certificate of second chance if the Court grants your Application to Set Aside Conviction.
- **Pending Cases and Active Warrants:** Provide the requested information about any pending cases and active warrants.
- **Certificate of Second Chance:** Provide the requested information on Certificate of Second Chance.
 1. If the court grants your Application to Set Aside Conviction, it must also issue a Certificate of Second Chance if you have not previously received a Certificate of Second Chance and any of the following conditions apply:
 - You were convicted of a misdemeanor;
 - You were convicted of a Class 4, 5, or 6 Felony and at least 2 years have passed since you fulfilled the conditions of probation or sentence; or
 - You were convicted of a Class 2 or 3 Felony and at least 5 years have passed since you fulfilled the conditions of probation or sentence.
 2. A Certificate of Second Chance grants the opportunity to obtain an occupational license, provides protections to employers for hiring or contracting with ex-offenders, and provides protections to a person or entity providing housing to an ex-offender.
 3. The Certificate of Second Chance cannot be used as a recommendation, sponsorship, or promotion when applying for an occupational license, employment, or housing.
- **Other Information for the Court:** Provide any additional information you would like the court to consider.

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 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.
- If the State or the victim objects to your application, an objection to the application must be filed within 30 days after the application is filed with the court. The court may set 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>