

RESTORING CIVIL RIGHTS AND/OR SETTING ASIDE A FELONY

YOU CAN USE THIS PACKET IF ALL THIS IS TRUE:

- You want your civil rights restored and/or your judgment set aside.

FOR RESTORING CIVIL RIGHTS:

- You were sentenced for a felony in:
federal court and you live in Coconino County
OR Coconino County Superior Court
- You were discharged from:
prison at least two years ago
OR probation

FOR HAVING A JUDGMENT SET ASIDE:

- You were sentenced for a criminal offense in Coconino County Superior Court.
- You were discharged from probation or prison.

Before signing a court document or getting involved with a court case, it's important to see an attorney to make sure you understand your legal rights and responsibilities. The Self-Help Center has information on finding an attorney.

INSTRUCTIONS

STEP 1: MAKE SURE YOU MEET THIS PACKET'S REQUIREMENTS

Make sure you meet the criteria listed on the Coversheet.

The court will not set aside your judgment if you were convicted of a crime:

1. Involving the infliction of serious physical injury.
2. Involving the use or exhibition of a deadly weapon or dangerous instrument.
3. For which you were required or ordered by the court to register as a sex offender.
4. For which there was a finding of a sexual motivation under A.R.S. 13-118.
5. In which the victim was under age 15.
6. Involving a) driving on a public highway without having privilege to drive, b) a violation of a local ordinance relating to stopping, standing, or operating a vehicle, or c) a traffic violation under A.R.S. Title 28, Chapter 3 (reckless driving) -- except A.R.S. 28-693 or any local ordinance relating to the same subject matter as 23-693.

(A.R.S 13-907(E))

You may ask the court to restore your right to possess a gun or firearm:	If you were convicted of:
Never	A dangerous offense as defined by A.R.S. 13-105 or any federal felony offense
10 years after discharge from probation or absolute discharge from prison	A serious offense as defined by A.R.S. 13-706
2 years after discharge from probation or absolute discharge from prison	Any other state felony offense

In most cases, restoring civil rights and/or setting aside a judgment is at the court's discretion.

STEP 2: IF YOU WANT YOUR RIGHTS RESTORED: GET PROOF OF YOUR DISCHARGE

If You Were Sentenced in:	And You Were Discharged From:	Get the Following Proof:
Superior Court	Probation	No proof needed
	Prison	A certificate of absolute discharge from the director of the state department of corrections
Federal Court	Probation	An affidavit of discharge from the judge who discharged you
	Prison	A certificate of absolute discharge from the director of the federal bureau of prisons

You must make a diligent effort to get this proof.

STEP 3: FILL OUT THESE FORMS

- Application To Restore Civil Rights And/Or Set Aside A Judgment
- Order Restoring Civil Rights And/Or Setting Aside A Judgment

STEP 4: FILE THE FOLLOWING WITH THE COURT

Take or mail the original and two copies of the following to the Clerk's Office in the Coconino County Courthouse at 200 N. San Francisco St., Flagstaff, AZ 86001.

- Application to Restore Civil Rights and/or Set Aside a Judgment, with the following attached if applicable:
 - Certificate of absolute discharge from state prison
 - Affidavit of discharge from probation
 - Certificate of absolute discharge from federal prison
- Order Restoring Civil Rights and/or Setting Aside a Judgment

The Clerk will stamp your copies with the filing date and return them to you for your records. If you file by mail, include a self-addressed, stamped envelope and a note asking the Clerk to return the date-stamped copies to you.

STEP 5: MAIL OR HAND-DELIVER A COPY OF WHAT YOU FILED TO THE PROSECUTOR

The prosecutor might be the City Attorney or the County Attorney.

STEP 6: THE COURT WILL SEND YOU AN ORDER

The judge may do one of the following:

- Grant your requests
- Deny your requests
- Schedule a hearing to ask you questions
- Make other orders the judge thinks proper

The court will mail you a copy of the Order explaining the judge's decision. Read it carefully and make sure you understand everything it says.

STEP 7: IF THE JUDGE SETS A HEARING: GO TO THE HEARING

When you file this Application with the court, you must also file the Order form in this packet.

My Name: _____
Mailing Address: _____
City, State, Zip: _____
Phone Number: _____
Representing Self _____

COCONINO COUNTY SUPERIOR COURT

State of Arizona
Plaintiff

Case Number: CR _____

APPLICATION TO:

- RESTORE CIVIL RIGHTS**
- SET ASIDE A JUDGMENT**

Defendant's Name

About this case:

Crimes for Which I Was Convicted: _____
Date I Was Convicted: _____ Date I Was Sentenced: _____
Court That Sentenced Me: _____
Judge Who Sentenced Me: _____
Date My Probation Began: _____ Date My Probation Ended: _____
Date of Court Order Ending My Probation: _____

Yes No: This is my only felony conviction from any court.

If "No", I was also convicted of this felony:

Crimes for Which I Was Convicted: _____
Year I Was Sentenced: _____ Court That Sentenced Me: _____

I ask the court to restore the right to possess a gun or firearm all other civil rights.

I was sentenced for a felony in this court.

I was discharged from probation.

I was discharged from prison at least two years ago. A certificate of absolute discharge from the director of the state department of corrections is attached, or I was unable to get one because: _____

I was sentenced for a felony in federal court and I live in Coconino County.

I was discharged from probation. An affidavit of discharge from the judge who discharged me is attached, or I was unable to get one because:

I was discharged from prison at least two years ago. A certificate of absolute discharge from the director of the federal bureau of prisons is attached, or I was unable to get one because: _____

If I'm asking the court to restore my right to possess a gun or firearm:

I was not convicted of a dangerous or serious offense as defined by A.R.S. 13-105 and 13-706, and it has been at least two years since the date of my discharge from probation or absolute discharge from prison.

I was convicted of a serious, but not dangerous, offense as defined by A.R.S. 13-105 and 13-706, and it has been at least ten years since the date of my discharge from probation or absolute discharge from prison.

I ask the court to set aside my judgment.

This court sentenced me for one or more crimes, and I have been discharged from: probation
 prison. No crime for which I was convicted is a crime listed in A.R.S. 13-907(E).

I ask the court to include a Certificate of Second Chance in the Order.

This conviction was for a class 4, 5, or 6 felony and at least two years have passed since I fulfilled the conditions of probation or my sentence.

This conviction was for a class 2 or 3 felony and at least five years have passed since I fulfilled the conditions of probation or my sentence.

Certificate of Service: I will mail or hand-deliver a copy of this document on the day I file it to the other party.

I have read this Application, and it is true and complete to the best of my knowledge.

Sign in front of a notary, or in front of the Court Clerk when you file. The person signing must bring photo ID. Notaries are at most banks or listed in the Yellow Pages. Notaries usually charge a fee.

Defendant's Signature: _____

State of Arizona)

)

County of _____)

Subscribed and sworn before me this date: _____ by: _____

Seal:

Notary Public: _____

Notary Expiration Date: _____

My Name: _____
Mailing Address: _____
City, State, Zip: _____
Phone Number: _____
Representing Self

COCONINO COUNTY SUPERIOR COURT

State of Arizona
Plaintiff

Case Number: CR _____

ORDER:

- RESTORING CIVIL RIGHTS**
- SETTING ASIDE A JUDGMENT**

Defendant's Name

Crimes for Which Defendant Was Convicted: _____
Date Defendant Was Convicted: _____
Date Defendant Was Sentenced: _____
Court That Sentenced Defendant: _____
Judge Who Sentenced Defendant: _____

Defendant has been discharged from: probation prison. Defendant has met the statutory requirements for the following order(s):

Leave the rest of the form blank. This is for the court to fill in.

- The Court sets aside defendant's judgment of guilt; dismisses the complaint, information, or indictment; and releases defendant from all penalties and disabilities resulting from the conviction except those imposed by the Department of Transportation pursuant to A.R.S. §§ 28-3304, 28-3305, 28-3306, 28-3307, 28-3308, 28-3312, and 28-3319 or the Game and Fish Commission pursuant to A.R.S. §§ 17-314 or 17-340.
- Defendant's right to possess a firearm is also restored.
OR
- Defendant's right to possess a firearm is not restored.
- Defendant's application is denied.

Certificate of Second Chance:

- The court orders this Certificate of Second Chance.
- This conviction was for a class 4, 5, or 6 felony and at least two years have passed since Defendant fulfilled the conditions of probation or the sentence.
- This conviction was for a class 2 or 3 felony and at least five years have passed since Defendant fulfilled the conditions of probation or the sentence.
- Unless specifically excluded by A.R.S. 13-905, this Certificate releases Defendant from all barriers and disabilities in obtaining an occupational license issued under Title 32 that resulted from the conviction, if the person is otherwise qualified.
 - This Certificate provides an employer with all protections under A.R.S. 12-558.03.
 - This Certificate provides a person or entity providing housing to the Defendant with all the protections limiting the introduction of evidence that A.R.S. 12-558.03(B) provides to an employer.
 - This Certificate is not a recommendation or sponsorship for or a promotion of Defendant when applying for an occupational license, employment, or housing.

Date: _____

Judge's Signature: _____