

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 THE APPLICATION TO RESTORE CIVIL RIGHTS AND/OR SET ASIDE A JUDGMENT

- (1) Enter your name; mailing address; city, state, and zip code; and phone number.
- (2) Enter your name.
- (3) If you were sentenced in superior court, enter the case number as it appears on the court order that sentenced you.
- (4) Check the box(es) indicating whether you want your civil rights restored, your judgment set aside, or both.
- (5) Enter your address and phone number.
- (6) Enter the date you were convicted, each crime for which you were convicted, the date you were sentenced, the name of the court that sentenced you, and the name of the judge who sentenced you.
- (7) If you were on probation, enter the date your probation began, the date it ended, and the date the court signed the order ending it.
- (8) If you want your rights restored, check each box indicating which rights you want restored.
- (9) If you want your rights restored and you were sentenced in superior court, check the box. Check the box indicating whether you were discharged from probation or prison. If prison, attach a certificate of absolute discharge from the director of the state department of corrections, or explain why you don't have one.
- (10) If you want your rights restored and you were sentenced in federal court, check the box. Check the box indicating whether you were discharged from probation or prison. If probation, attach an affidavit of discharge from the judge who discharged you, or explain why you don't have one. If prison, attach a certificate of absolute discharge from the director of the federal bureau of prisons, or explain why you don't have one.
- (11) If you want your right to possess a gun or firearm restored, check the box indicating the true statement.
- (12) If you want your judgment set aside, check the box.
- (13) Check the box indicating whether you were discharged from probation or prison.
- (14) Read the Application and make sure that you understand everything in it and that everything in it is true. Sign in front of a notary. Notaries are at the Self-Help Center in the Courthouse and at most banks or listed in the Yellow Pages. The person signing must bring photo ID. Notaries usually charge a fee.

STEP 4: FILL OUT THE ORDER RESTORING CIVIL RIGHTS AND/OR SETTING ASIDE A JUDGMENT

- (1) Enter your name; mailing address; city, state, and zip code; and phone number.
- (2) Enter your name.
- (3) If you were sentenced in superior court, enter the case number as it appears on the court order that sentenced you.
- (4) Check the box(es) indicating whether you want your civil rights restored, your judgment set aside, or both.

- (5) Enter the date you were convicted, each crime for which you were convicted, the date you were sentenced, the name of the court that sentenced you, and the name of the judge who sentenced you.
- (6) Check the box indicating whether you were discharged from probation or prison.

STEP 5: 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 6: 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 7: 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 8: 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.

- (1) Person Filing: _____
Mailing Address: _____
City, State, Zip: _____
Phone Number: _____
Representing Self _____

COCONINO COUNTY SUPERIOR COURT

In re the Application of: _____ (3) Case Number: _____

APPLICATION TO:

- (2) _____
Defendant, To Restore Civil Rights and/or Set
Aside a Judgment

(4) **RESTORE CIVIL RIGHTS**
 SET ASIDE A JUDGMENT
(A.R.S. Title 13, Chapter 9)

- (5) My Street Address: _____
City, State, Zip: _____
Phone Number: _____

- (6) Date I Was Convicted: _____
Crimes for Which I Was Convicted: _____
Date I Was Sentenced: _____
Court That Sentenced Me: _____
Judge Who Sentenced Me: _____

- (7) Date My Probation Began: _____ Date My Probation Ended: _____
Date of Court Order Ending My Probation: _____

- (8) **I ask the court to restore the following of my civil rights:**
 the right to possess a gun or firearm **all other rights**

- (9) 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:

- (10) 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:

(11) 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.

(12) **I ask the court to set aside my judgment.**

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

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

(14) Defendant's Signature: _____

State of Arizona)
)
 County of _____)

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

Seal: Notary Public: _____
 Notary Expiration Date: _____

(1) Person Filing: _____
Mailing Address: _____
City, State, Zip: _____
Phone Number: _____
Representing Self

COCONINO COUNTY SUPERIOR COURT

In re the Application of: _____ (3) Case Number: _____

ORDER:
(4) **RESTORING CIVIL RIGHTS**
 SETTING ASIDE A JUDGMENT
(A.R.S. Title 13, Chapter 9)

(2) _____
Defendant, To Restore Civil Rights and/or Set
Aside a Judgment

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

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

- The following of Defendant's civil rights, suspended due to the conviction above, are restored:
 - The right to vote
 - The right to hold public office of trust or profit
 - The right to serve as a juror
 - Any other rights, other than the right to possess a gun or firearm, which were suspended during imprisonment
 - The right to possess a gun or firearm which was suspended pursuant to A.R.S. 13-904

Defendant's judgment of guilt is set aside, the accusations or information is dismissed, and Defendant is released from all penalties and disabilities resulting from the conviction other than those imposed by the department of transportation pursuant to A.R.S. 28-3304, 28-3306, 28-3307, or 28-3308, except that the conviction may be used as a conviction if it would be admissible had it not been set aside and may be pleaded and proved in any subsequent prosecution of Defendant by the state or any of its subdivisions for any offense or used by the department of transportation in enforcing the provisions of A.R.S. 28-3304 or 3306-8 as if the judgment of guilt had not been set aside.

[] Defendant's application is denied.

Date: _____

Superior Court Judge/Justice of the Peace/Magistrate
(Presiding Superior Court Judge if the conviction was in
the U.S. District Court)