

RIGHT TO APPLY FOR SETTING ASIDE JUDGMENT OF GUILT

Every person convicted of a criminal offense may, upon fulfillment of the conditions of probation or sentence and discharge by the court, apply to the Judge, Justice of the Peace or Magistrate who pronounced sentence or imposed probation or such Judge, Justice of the Peace or Magistrate's successor in office to have the judgment of guilt set aside. The convicted person shall be informed of this right at the time of discharge. The application to set aside the judgment may be made by the convicted person or by the convicted person's attorney or probation officer authorized in writing. If the Judge, Justice of the Peace or Magistrate grants the application, they shall set aside the judgment of guilt, dismiss the accusations or information and order that the person be released from all penalties and disabilities resulting from the conviction other than those imposed by the Department of Transportation pursuant to §28-3304, 28-3306, 28-3307 or 28-3308, except that the conviction may be used as a conviction if such conviction would be admissible had it not been set aside and may be pleaded and proved in any subsequent prosecution of such person by the state or any of its subdivisions for any offense or used by the Department of Transportation in enforcing the provisions of § 28-3304, 28-3306, 28-3307 or 28-3308 as if the judgment of guilt had not been set aside.

This section does not apply to a person convicted of a criminal offense:

1. Involving the infliction of serious physical injury.
2. Involving the use or exhibition of a deadly weapon or dangerous instrument.
3. In violation of chapter 14 of this title.
4. In which the victim is a minor under fifteen years of age.
5. In violation of § 28-3473, any local ordinance relating to stopping, standing or operation of a vehicle or title 28, chapter 3, except a violation of § 28-693 or any local ordinance relating to the same subject matter as § 28-693.

Court: _____
Address: _____
City/State/Zip: _____

ARRESTING AGENCY: _____

REPORT # _____

STATE OF ARIZONA VS. Defendant	CASE NO.	<input checked="" type="checkbox"/> APPLICATION TO SET ASIDE JUDGMENT <input type="checkbox"/> ORDER
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APPLICATION

This Application is made in conformance with the Arizona Revised Statutes and is addressed to the judge who pronounced sentence or imposed probation or to said judge's successor in office.

Applicant: _____ Address: _____ Tel No. _____

Applicant is: <input type="checkbox"/> Defendant <input type="checkbox"/> Attorney for Defendant <input type="checkbox"/> Probation Officer	Offense[s]: Sentence Imposed:	Date of Conviction: Place of Conviction:
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The undersigned states that Defendant has fulfilled the conditions of probation or sentence and was discharged by this Court. If the Application is sworn to by Defendant's attorney or probation officer, either was authorized to do so as indicated by Defendant's signature below. Defendant, in connection with the above-captioned case, prays as follows, THAT:

1. The judgment of guilt be set aside.
2. The accusation or citation be dismissed.
3. Defendant be released from all penalties resulting from the conviction, EXCEPT that the conviction may be pleaded and proved in any subsequent prosecution of Defendant for any offense as if the judgment of guilt had not been set aside.

DATED _____
_____ Defendant/Attorney for Defendant/Probation Officer

AUTHORIZED: _____
_____ Defendant

STATE OF ARIZONA) County of _____)	Being duly sworn, I depose and say: that I have read this Application and know and understand the contents therein; that the statements made in this Application are true and correct to the best of my knowledge, information, and belief.
SUBSCRIBED AND SWORN to before me this date: _____	_____ Affiant
My Commission Expires: _____	_____ Notary Public

This Application is SET FOR HEARING in the above-named court as follows:	Date: _____	Time: _____
COPY SENT to the <input type="checkbox"/> Defendant, <input type="checkbox"/> County Attorney, <input type="checkbox"/> Attorney General	Date: _____	Time: _____

ORDER

The Court, having read the foregoing Application, and in conformance with the statutes, being fully apprised of the premises, IT IS ORDERED

- ☐ Granting the Application and further ordering:
1. That the judgment of Defendant's guilt be, and the same is, set aside.
 2. That Defendant's accusation, citation, or complaint be, and the same is, dismissed.
 3. That defendant be released from all penalties and disabilities resulting from the conviction or plea other than those imposed by the Department of Transportation pursuant to A.R.S. §28-445 or §28-446, EXCEPT that the conviction may be pleaded and proved in any subsequent prosecution of Defendant for any offense as if the judgment of guilt had not been set aside.
- ☐ Denying the Application for the following reasons:

DATED _____
_____ Judge