

CIVIL PETITION TO EXPUNGE MARIJUANA- RELATED OFFENSE RECORDS

**PURSUANT TO
A.R.S. § 36-2862**

(Forms & Instructions)

Civil petition to expunge record of marijuana offense

Checklist

You may use the forms and instructions to ask the court to expunge your record of marijuana arrest, charge, adjudication, conviction, or sentence if . . .

- ✓ You were arrested in Yuma County, but not charged in any court;

OR

- ✓ A case was filed against you in the Superior Court of Yuma County, but your case has been purged.

AND

- ✓ You are eligible under the expungement statute (A.R.S. § 36-2862). Specifically, you want to expunge one or more of the following:

- Possessing, consuming, or transporting two and one-half ounces or less of marijuana*, of which not more than twelve and one-half grams was in the form of marijuana concentrate.
- Possessing, transporting, cultivating, or processing not more than six marijuana plants at your primary residence for personal use.
- Possessing, using, or transporting paraphernalia related to the cultivation, manufacture, processing, or consumption of marijuana.

*marijuana includes cannabis

Do not use the forms in this packet if:

- ✗ You were charged in any Arizona court.
- ✗ You were charged, adjudicated, convicted or sentenced in the Superior Court of Yuma County. You will need to file a Criminal Petition to Expunge Marijuana-related Offense Records.
- ✗ Your case was resolved in a court other than the Superior Court of Yuma County. Contact that court for more information.
- ✗ Your case was resolved in the Juvenile Department of the Superior Court of Yuma County. You will need to file a Juvenile Petition to Expunge Marijuana-Related Offense Records.

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 can be found on the Law Library Resource Center website.

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Civil petition to expunge record of marijuana offense

This packet contains court forms and instructions to file for expungement of your record of marijuana offense. 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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The documents you have received are copyrighted by the Superior Court of Arizona in Yuma County. You have permission to use them for any lawful purpose. These forms shall not be used to engage in the unauthorized practice of law. The Court assumes no responsibility and accepts no liability for actions taken by users of these documents, including reliance on their contents. The documents are under continual revision and are current only for the day they were received. It is strongly recommended that you verify on a regular basis that you have the most current documents.

Instructions for completing a petition to expunge marijuana-related offense records pursuant to A.R.S. § 36-2862

Please read the following before completing the petition form.

Who can use the petition form:

You may seek expungement of your marijuana-related criminal records by filing the petition form, if you were either arrested, charged, convicted or acquitted of any of the following offenses:

1. Possessing, consuming, or transporting two and one-half ounces or less of marijuana*, of which not more than twelve and one-half grams was in the form of marijuana concentrate.
2. Possessing, transporting, cultivating, or processing not more than six marijuana plants at your primary residence for personal use.
3. Possessing, using, or transporting paraphernalia related to the cultivation, manufacture, processing, or consumption of marijuana.

- If you are seeking expungement of case records, and you had more than one eligible offense under more than one case number, file a separate petition for each case number.

*marijuana includes cannabis

- Identify the court where you will be filing. If you will file in a municipal court or justice court, use the petition form for municipal/justice court. If you will file in the superior court, use the petition form for superior court. You can get forms to file with a municipal/justice court on the AOC website at: <https://www.azcourts.gov/prop207>

Required information:

To complete the petition, you must, at a minimum, provide the court with the following information as required by Rule 36, Arizona Rules of Criminal Procedure:

1. Your name, address, date of birth, and email address, if you have an email address;
2. A description of the offense for which you are seeking expungement as stated on the petition form;
3. The name of the law enforcement agency that arrested you for the marijuana-related offense; and
4. The court's case number if your arrest resulted in a criminal complaint being filed with the court.

- Failure to provide enough details about the records you want to have expunged may result in the court dismissing your petition. If that occurs, you may file a new petition with additional details about your records.
- The court cannot order expungement of any arresting agency records if you do not identify the arresting agency. If you were represented in court by an attorney, your defense attorney may be able to provide any information needed to fill out the petition.
- You may find information about your case on the supreme court's case lookup website (Public Access Case Lookup (azcourts.gov)): <https://apps.supremecourt.az.gov/publicaccess/>.
- In addition, the Federal Bureau of Investigation: <https://www.fbi.gov/services/cjis/identity-history-summary-checks> or the Arizona Department of Public Safety: <https://www.azdps.gov/services/public/records/criminal> may assist you.

Where to file your petition:

If you are seeking expungement of ONLY law enforcement records relating to an arrest that did not result in a criminal complaint being filed in court, then you must file your petition in the superior court located in the county where you were arrested. Otherwise, you must file your petition in the court where the case was resolved by either dismissal or conviction.

Type or print neatly using black ink. Fill out all fields required by the petition. Provide any optional information known to you.

1. At the top of the first page, type or print the name, mailing address, email address, and phone numbers of the person filing this form.
2. Inside the box print your first name, middle initial, last name, and date of birth above the line for Defendant.
3. Print the case number of the case that you want the court to expunge. If you are seeking to expunge only an arrest record, leave the case number blank, the court will assign a case number when you file your petition.
4. Fill in the other blanks and check boxes with the information requested.
5. Date and sign your name and provide the contact information requested below the signature line.

Please note: If you owe fines, fees, or other monetary penalties on other non-eligible charges in the same case for which you are seeking expungement, if the court grants your petition, you will need to ask the court for a new payment plan.

If you were convicted of a felony in superior court, and the court grants your petition and restores your civil rights, in order to be eligible to vote, you must complete and submit a new voter registration form. Please refer to your County Recorder's Office for additional questions about voter registration.

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Procedures for submitting a civil petition to expunge marijuana-related offense records pursuant to A.R.S. § 36-2862

Step 1: Confirm that this is the correct packet for you.

This packet should only be used if you were arrested in Yuma County, but a case was never filed against you in court.

OR

If a case was filed against you in Yuma County Superior Court, but your case has been purged.

This packet should not be used for cases resolved in the Juvenile Department of the Superior Court of Yuma County.

Step 2: Complete the Civil Cover Sheet.

Step 3: Complete the Petition to Expunge Marijuana-related Offense Records.

Step 4: Put documents together and separate into two (2) sets. You will need the following forms:

Set 1 – Originals for Clerk of Superior Court:

- Civil Cover Sheet
- Petition to Expunge Marijuana-related Offense Records
- Optional – Any supporting documentation

Set 2 – Copies for You:

- Petition to Expunge Marijuana-related Offense Records
- Optional – Any supporting documentation

Step 5: Deliver or mail.

The completed petition can be filed in person or mailed at:

Clerk of Superior Court
250 W. 2nd Street
Yuma, AZ 85365

Step 6: Wait for the Court to notify you.

- Upon filing the petition, notice of the petition will be given to the appropriate prosecutors as required by law.
- The prosecuting agency has thirty (30) days to respond to the petition.
- If you requested a hearing and a hearing is set, the Court will notify you. The petition may be ruled upon without a hearing.
- You will be mailed a signed copy of the Order granting or denying your petition at the address listed on the petition. 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 petition, 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 petition, you can contact Criminal Administration at (602) 506-8575.
- If the Court denies your petition, you may file a direct appeal pursuant to A.R.S. § 13-4033(A)(3).

If you have any questions regarding your rights, please refer to the Arizona Rules of Criminal Procedure and Titles 13 and 36 of the Arizona Revised Statutes located at: <https://govt.westlaw.com/azrules> and <https://www.azleg.gov/arstitle/>.

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In the Superior Court of the State of Arizona
In and For the County of _____

Case Number _____

CIVIL COVER SHEET- NEW FILING ONLY
(Please Type or Print)

Plaintiff's Attorney _____

Attorney Bar Number _____

Is Interpreter Needed? ☐ Yes ☐ No

If yes, what language(s):

Plaintiff's Name(s): (List all)

Plaintiff's Address:

Phone #:

Email Address:

(List additional Plaintiffs on page two and/or attach a separate sheet).

Defendant's Name(s): (List All)

(List additional Defendants on page two and/or attach a separate sheet)

RULE 26.2 DISCOVERY TIER OR MONETARY RELIEF CLAIMED:

IMPORTANT: Any case category that has an asterisk (*) MUST have a dollar amount claimed or Tier selected. State the monetary amount in controversy or place an "X" next to the discovery tier to which the pleadings allege the case would belong under Rule 26.2.

☐ Amount Claimed \$ _____

☐ Tier 1

☐ Tier 2

☐ Tier 3

NATURE OF ACTION

Place an "X" next to the **one** case category that most accurately describes your primary case. **Any case category that has an asterisk (*) MUST have a dollar amount claimed or Tier selected as indicated above.**

100 TORT MOTOR VEHICLE:

☐ 101 Non-Death/Personal Injury*

☐ 102 Property Damage*

☐ 103 Wrongful Death*

☐ 111 Negligence*

☐ 112 Product Liability – Asbestos*

☐ 112 Product Liability – Tobacco*

☐ 112 Product Liability – Toxic/Other*

☐ 113 Intentional Tort*

☐ 114 Property Damage*

☐ 115 Legal Malpractice*

110 TORT NON-MOTOR VEHICLE:

- ☐ 115 Malpractice – Other professional*
☐ 117 Premises Liability*
☐ 118 Slander/Libel/Defamation*
☐ 116 Other (Specify) _____ *

120 MEDICAL MALPRACTICE:

- ☐ 121 Physician M.D.* ☐ 123 Hospital*
☐ 122 Physician D.O.* ☐ 124 Other*

130 & 197 CONTRACTS:

- ☐ 131 Account (Open or Stated)*
☐ 132 Promissory Note*
☐ 133 Foreclosure*
☐ 138 Buyer-Plaintiff*
☐ 139 Fraud*
☐ 134 Other Contract (e.g., Breach of Contract)*
☐ 135 Excess Proceeds-Sale*
☐ Construction Defects (Residential/Commercial)*
☐ 136 Six to Nineteen Structures*
☐ 137 Twenty or More Structures*
☐ 197 Credit Card Debt (Yuma County Filings Only)*

145 & 150-199 OTHER CIVIL CASE TYPES:

- ☐ 156 Eminent Domain/Condemnation*
☐ 151 Eviction Actions (Forcible and Special Detainers)*
☐ 152 Change of Name
☐ 153 Transcript of Judgment
☐ 154 Foreign Judgment
☐ 158 Quiet Title*
☐ 160 Forfeiture*
☐ 175 Election Challenge
☐ 179 NCC-Employer Sanction Action (A.R.S. §23-212)*

- ☐ 180 Injunction against Workplace Harassment
☐ 181 Injunction against Harassment
☐ 182 Civil Penalty
☐ 186 Water Rights (Not General Stream Adjudication)*
☐ 187 Real Property *
☐ 145 Special Action against Lower Courts (See lower court appeal cover sheet in Yuma)
☐ 194 Immigration Enforcement Challenge (A.R.S. §§1-501, 1-502, 11-1051) 199
☐ Expungement

144 & 150-199 UNCLASSIFIED CIVIL:

- ☐ 144 Administrative Review (See Lower Court Appeal cover sheet in Yuma)
☐ 150 Tax Appeal (All other tax matters must be filed in the AZ Tax Court)
☐ 155 Declaratory Judgment
☐ 157 Habeas Corpus
☐ 184 Landlord Tenant Dispute – Other*
☐ 190 Declaration of Factual Innocence (A.R.S. §12-771)
☐ 191 Declaration of Factual Improper Party Status
☐ 193 Vulnerable Adult (A.R.S. §46-451)*
☐ 165 Tribal Judgment
☐ 167 Structured Settlement (A.R.S. §12-2901)
☐ 169 Attorney Conservatorships (State Bar)
☐ 170 Unauthorized Practice of Law (State Bar)
☐ 171 Out-of-State Deposition for Foreign Jurisdiction
☐ 172 Secure Attendance of Prisoner
☐ 173 Assurance of Discontinuance
☐ 174 In-State Deposition for Foreign Jurisdiction
☐ 176 Eminent Domain– Light Rail Only*
☐ 177 Interpleader– Automobile Only*

- ☐ 178 Delayed Birth Certificate (A.R.S. §36-333.03)
- ☐ 183 Employment Dispute – Discrimination*
- ☐ 185 Employment Dispute – Other*
- ☐ 198 Verified Rule 27(a) Petition*
- ☐ 196 Verified Rule 45.2 Petition
- ☐ 195(a) Amendment of Marriage License
(Yuma County Filings Only)

- ☐ 195(b) Amendment of Birth Certificate
- ☐ 163 Other* _____
(Specify)

EMERGENCY ORDER SOUGHT

- ☐ Temporary Restraining Order ☐ Provisional Remedy ☐ OSC ☐ Election Challenge
- ☐ Employer Sanction ☐ Other (Specify) _____

COMMERCIAL COURT (Yuma County Only)

- ☐ This case is eligible for the Commercial Court under Rule 8.1, and Plaintiff requests assignment of this case to the Commercial Court. More information on the Commercial Court, including the most recent forms, are available on the Court's website at:
<https://www.superiorcourt.maricopa.gov/commercial-court/>.

Additional Plaintiff(s):

Additional Defendant(s):

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

For Clerk's Use Only

**SUPERIOR COURT OF ARIZONA
IN YUMA COUNTY**

STATE OF ARIZONA, Plaintiff

Case Number: _____

-vs-

**PETITION TO EXPUNGE
MARIJUANA-RELATED OFFENSE
RECORDS and RESTORE CIVIL
RIGHTS, INCLUDING FIREARMS
RIGHTS, PURSUANT TO
A.R.S. § 36-2862**

DEFENDANT (First, MI, Last)

Date of Birth: _____

The above-named Petitioner, pursuant to A.R.S. § 36-2862, hereby requests that the Court order expungement of Petitioner's criminal history records and, if applicable, restoration of Petitioner's civil rights. As grounds for this petition, Petitioner states as follows:

A. REQUIRED INFORMATION

1. Eligible Charge.

I hereby request that the law enforcement and court records for the following offense, eligible under ARS § 36-2862, be expunged. (Choose from the following; if you had more than one eligible offense under more than one case number, file a separate petition for each offense.)

- ☐ Possessing, consuming, or transporting two and one-half (2 ½) ounces or less of marijuana, of which not more than twelve and one-half (12 ½) grams was in the form of marijuana concentrate.
- ☐ Possessing, transporting, cultivating, or processing not more than six (6) marijuana plants at my primary residence for personal use.

- ☐ Possessing, using, or transporting paraphernalia relating to the cultivation, manufacture, processing, or consumption of marijuana.

2. Name of citing or arresting law enforcement agency: _____
_____.
3. Superior Court case number: _____.

B. ADDITIONAL INFORMATION RELATED TO THE ELIGIBLE CHARGE(S)
(Complete all fields known to you)

1. I was arrested on (insert date): _____.
2. My court case began in a Justice Court: ☐ Yes ☐ No.
- If Yes, the name of the Justice Court is: _____,
and the Justice Court case number is: _____.
3. Name of prosecuting agency: _____.
4. I was convicted of the offense: ☐ Yes ☐ No.
- If Yes, insert date of the conviction here: _____.
5. One or more non-eligible charges were filed against me in this same case:
☐ Yes ☐ No.
6. My sentence included a term of probation: ☐ Yes ☐ No.
7. My case was dismissed: ☐ Yes ☐ No.
- If Yes, insert date of dismissal here: _____.
8. There is an outstanding arrest warrant in this case: ☐ Yes ☐ No.
9. There is an active payment plan on my case: ☐ Yes ☐ No.

C. SUPPORTING DOCUMENTATION (Optional)

Attached is documentation that supports my petition. (The court may find it helpful to have documents that support your request for expungement, for example, the complaint against you, judgment and sentencing order, payment plan, or any other official document showing a superior court case number, crime lab report showing weight of marijuana seized, or DPS

or FBI case extract. However, you are not required to provide any supporting documents.)

D. HEARING REQUEST

I understand that I can request a hearing on my petition, but the court may choose to proceed without a hearing. I hereby request a hearing: ☐ Yes ☐ No.

E. ACKNOWLEDGMENT REGARDING RESTORATION OF FIREARM RIGHTS

I understand that even if I am granted restoration of my civil rights, including firearm rights pursuant to this petition, I may still be prohibited from having my civil rights restored or the right to possess and carry a firearm under other state or federal laws.

DECLARATION:

I declare under penalty of perjury that the information I have provided in this petition and any attachments is true and correct to the best of my knowledge.

I understand that this petition may be dismissed if the information I have provided is insufficient. I also understand that this petition may be denied if information in this petition is found to be inaccurate.

Petitioner's Signature

Date

Petitioner's Mailing Address

Petitioner's Email Address

Petitioner's Phone Number

To the best of my knowledge, the information provided in this petition is true and correct.

Attorney's Name Printed

Attorney's signature

Attorney's Bar Number

Attorney's Mailing Address

Attorney's Phone Number and Email Address