

FOR STATE CONVICTIONS
IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR PIMA COUNTY

STATE OF ARIZONA,

CASE **CR**
NUMBER:

(Must submit a separate petition for each case)

vs.

PETITION TO (check all that apply):

RESTORE CIVIL RIGHTS

RESTORE GUN RIGHTS

SET ASIDE JUDGMENT OF GUILT

DEFENDANT (Print Name)

Defendant's

Date of Birth: _____

DEFENDANT, in person or by an attorney, avows:

1. A Judgment of Guilt was entered against the Defendant on the ____ day of _____, _____, on the conviction of:
_____, in the

Pima County Superior Court of Arizona.

2. On the ____ day of _____, _____, Defendant has (Check Applicable Boxes):

Successfully completed all terms and conditions of probation and was discharged therefrom, with the Order appearing in Defendant's Pima County Superior Court file.

Received from the Arizona Department of Corrections a Certificate of Absolute Discharge from Imprisonment on a date two (2) or more years before today's date, **AND has attached a copy** of Certificate to this Petition.

3. All fines, fees, restitution and other Court-imposed financial obligations associated with the above case(s) are paid in full.

YES

NO

IF YOU ARE REQUESTING THAT YOUR CIVIL RIGHT TO POSSESS A GUN OR FIREARM BE RESTORED, PLEASE WRITE YOUR REASON(S) FOR THE REQUEST BELOW:

Defendant's or Attorney's Signature

Date

Telephone Number

Defendant's or Attorney's complete mailing address

Distribution:

Hon. _____, Div. ____

Defendant

Clerk's Office – Criminal Section

Pima County Attorney – Criminal Division (if state case)

Arizona Attorney General – Criminal Section (if federal case)

FOR FEDERAL CONVICTIONS
IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR PIMA COUNTY

STATE OF ARIZONA,

CASE
NUMBER: _____

(Must submit a separate petition for each case)

vs.

PETITION TO (check all that apply):

RESTORE CIVIL RIGHTS

RESTORE GUN RIGHTS

DEFENDANT (Print Name)

Defendant's

Date of Birth: _____

DEFENDANT, in person or by an attorney, avows:

1. A Judgment of Guilt was entered against the defendant on the _____ day of _____, _____, on the conviction of: _____, in the:

United States District Court for the District of: _____.

2. On the _____ day of _____, _____, Defendant has (Check Applicable Boxes):

If Defendant was sentenced to and successfully served a term of federal probation, has received an Affidavit of Discharge from the judge who discharged him/her from probation, **AND has attached a copy** to this Petition.

If Defendant was sentenced to and successfully served a federal prison term, has requested from the Federal Bureau of Prisons a Certificate of Absolute Discharge, **AND has attached a copy** of the Certificate, or other official documentation that indicates successful discharge, provided by the Bureau of Prisons, to this Petition.

3. Defendant currently resides in Pima County, Arizona:

YES NO

4. All fines, fees, restitution and other Court-imposed financial obligations associated with the above case(s) are paid in full.

YES NO

IF YOU ARE REQUESTING THAT YOUR CIVIL RIGHT TO POSSESS A GUN OR FIREARM BE RESTORED, PLEASE WRITE YOUR REASON(S) FOR THE REQUEST BELOW*:

*I understand that if I was convicted of a federal crime, even if I am granted the right to possess a firearm under Arizona law, it will not give me the right to possess a firearm under federal law, and, I could be federally prosecuted for doing so.

Defendant's or Attorney's Signature

Date

Telephone Number

Defendant's or Attorney's complete mailing address

Distribution:

Hon. _____, Div. ____

Defendant

Clerk's Office – Criminal Section

Pima County Attorney – Criminal Division (if state case)

Arizona Attorney General – Criminal Section (if federal case)

INSTRUCTIONS FOR RESTORATION OF CIVIL RIGHTS & SET ASIDE PETITION

I. WHAT DOES RESTORATION OF CIVIL RIGHTS AND SET ASIDE MEAN?

If you have been convicted of a felony (or felonies), you lost certain civil rights afforded to citizens, including the right to vote, the right to serve on juries, the right to hold certain public offices, and the right to possess guns or firearms. If you were convicted on a misdemeanor count, you did not lose any civil rights and do not need to petition for restoration. There is an exception. Defendants convicted on certain counts of domestic violence, misdemeanor or felony, may be prohibited from possessing guns and listed in a federal registry, pursuant to federal law. This prohibition cannot be reversed through the restoration process. If your Petition to Restore Civil Rights is granted, the Court will issue an order indicating that your civil rights have been restored and you will regain the rights you lost.

If your Petition to Set Aside Conviction is granted, the Clerk of the Court will notify the Arizona Department of Public Safety regarding your set aside order. NOTE: A set aside order does not expunge your criminal history or seal your court record.

II. GENERAL INFORMATION ABOUT FILING PETITIONS:

Please read and follow all the instructions carefully. Completed Petitions, with all required attachments, must be filed with the Criminal Section of the Pima County Superior Court Office of the Clerk, located on the first floor of Pima County Superior Court, 110 W. Congress St., Tucson, Arizona 85701. Questions can be directed to: (520) 724-3228. Forms and information about restoration can also be found online at:

<http://www.cosc.pima.gov/home.asp?include=pages/criminalforms.htm>

There are **no filing fees** for Petitions to restore civil rights or set aside convictions. However, all fines, fees and restitution payments associated with your conviction must be satisfied before your conviction can be set aside. Additionally, a judge may consider if your fines, fees and restitution are paid when deciding whether to grant your request for restoration of civil rights. Payment history can be obtained by contacting the Financial Obligations Section of the Clerk's Office at (520) 724-3263.

You do not need to be represented by an attorney to file a Petition. Please be aware that the Clerk's Office cannot give you legal advice and will file your Petition in whatever form you present it. If you have legal questions, you must refer them to your probation/parole officer or an attorney.

If you have questions about completing your Petition or need legal advice, you may contact Professor Andrew Silverman at the Civil Rights Restoration Clinic, provided through the University of Arizona College of Law.

Telephone: (520) 621-1975

Email: asilverm@law.arizona.edu

The judge who reviews your Petition has the discretion to either grant it or deny it.

III. WHAT YOU NEED TO COMPLETE A PETITION:

Make sure that you answer every question, fill in every blank line, and check every applicable box on the Petition. Also, make sure you attach to your Petition all required documents necessary to process your request.

If you were sentenced to state prison and are applying for civil rights restoration, you **must obtain** a copy of your Certificate of Absolute Discharge, from the Arizona Department of Corrections (DOC). DOC is located at 1601 W. Jefferson, Phoenix, AZ. If you are requesting only to set aside your conviction, you do not need a copy of your Certificate. Further information may be found online at: <http://www.azcorrections.gov/adcc/email.asp>.

If you were sentenced to federal prison, you **must request** a copy of your Certificate of Absolute Discharge, from the Federal Bureau of Prisons. The Bureau of Prisons is located at 320 First Street, NW, Washington, DC 20534. If the Bureau of Prisons is unable to provide you with a Certificate of Absolute Discharge, you **must** attach to your Petition proof that you requested a Certificate, as well as any official documentation that is provided in response to your request.

If you were sentenced to a term of federal probation, you **must obtain** a copy of your Affidavit of Discharge from probation or the Order terminating probation, issued by the sentencing judge upon your successful termination from probation.

NOTE: Your proof of discharge from state or federal prison or probation must be dated **at least two (2) full years prior to the date your Petition is filed.**

Before proceeding, here are some important points to consider:

1. Petitions concerning convictions in justice courts or city magistrate courts must be submitted directly to the lower court where the conviction occurred. Pima County Superior Court **will only** accept Petitions concerning convictions in Pima County Superior Court or in a United States District Court. It **will not** accept Petitions concerning convictions in a Justice Court or City Court in Pima County.
2. If you were convicted of multiple felony offenses, the Court must consider each one separately.
 - a. If you have more than one case number, you must prepare and file a separate Petition for each case. If your case involved multiple counts, you must list each one, but do not need to file a separate Petition for each count.
 - b. If you have both state and federal convictions, you must fill out separate Petitions for each one.
3. A judge of Pima County Superior Court can only grant restoration of civil rights under Arizona state law and has no authority to grant restoration of civil rights under federal law or under the laws of another state. If you want civil rights restored elsewhere, you **must** petition each state separately.

IV. REQUEST TO POSSESS A GUN OR FIREARM:

Please note that you may not petition for restoration of gun rights sooner than **two (2) years from the date you were successfully discharged from prison or probation.** Depending on the nature of your conviction, you may not be eligible to have your right to possess a gun restored. If you were convicted in federal court, Pima County Superior Court cannot restore your gun rights pursuant to federal law. Superior Court judges only have authority to restore civil rights pursuant to Arizona law. Therefore, if you have a federal conviction, even if your gun rights are restored under state law, you may be subject to federal prosecution if you possess a firearm.

V. WHAT TO EXPECT AFTER FILING A PETITION:

After receiving your Petition, the Clerk's Office will serve a copy of it on the State agency that prosecuted your case (County Attorney's Office if state case, Attorney General's Office if federal case). The State may respond your Petition, and may recommend that the Court grant your request for restoration or deny it. If the State responds, it must serve a copy of its response on you.

Some Petitions for Restoration of Civil Rights and/or Set Asides are decided without a hearing. If this happens, you will receive a copy of a Minute Entry from the Court indicating whether your Petition was granted or denied. Otherwise, you will be notified of a hearing date, approximately 45 days from the date of submission, when your case will come before a judge for a decision. **You are required to attend the hearing.** If physical attendance is impossible, you must ask the judge for permission to attend via telephone.

If you have additional questions regarding your rights, you may want to refer to Title 13 of the Arizona Revised Statutes, A.R.S. § 13-904 through A.R.S. § 13-912, located online at:

<http://www.azleg.state.az.us/FormatDocument.asp?inDoc=/ars/13/00904.htm&Title=13&DocType=ARS>

You can also do an Internet search of "Arizona Revised Statutes."