

INSTRUCTIONS FOR RESTORING CIVIL RIGHTS AND/OR SETTING ASIDE A JUDGMENT

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, OR
2. Involving the use or exhibition of a deadly weapon or dangerous instrument, OR
3. For which you were required or ordered by the court to register as a sex offender, OR
4. For which there was a finding of a sexual motivation under A.R.S. 13-118, OR
5. In which the victim was under age 15, OR
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 A.R.S. §28-693.

You may ask the court to restore your right to possess a gun or firearm:

Never	If you were convicted of 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	If you were convicted of 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.

Persons sentenced to a term of probation may not also have outstanding balances remaining on financial sanctions imposed by the Court. To determine if you have an outstanding balance, contact the Clerk's Office at (928) 438-1111.

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:
Maricopa County Superior Court	Probation	No proof needed.
	Prison	A certificate of absolute discharge from the director of the State Department of Corrections (DOC)

If You Were Sentenced in:	And You Were Discharged From:	Get the Following Proof:
Federal Court	Probation	An affidavit of discharge from the judge who discharge you.
	Prison	Copies of your Indictment or Complaint, Plea Agreement, Sentencing and Discharge paperwork. (Contact the U.S. District Court for copies). You are required to have proof (certified mail receipt) of notification to the Federal Prosecuting Attorney.

STEP 3: FILL OUT THE APPLICATION TO RESTORE CIVIL RIGHTS AND/OR SET ASIDE A JUDGMENT

- (1) Enter your name; street address; city, state, and zip code; and phone number.
- (2) Enter your name.
- (3) If you were sentenced in ~~the~~ ~~the~~ County Superior Court, enter the case number as it appears on the court order that sentenced you.
NOTE: If you had more than one case number you must prepare and file a separate application for each case number.
- (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 in this case number 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 and date the application.

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

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

- (4) Enter the date you were convicted, each crime in this case number 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.
- (5) Check the box indicating whether you were discharged from probation or prison.

THE JUDGE WILL FILL OUT THE REST OF THE ORDER

STEP 5: FILE THE FOLLOWING WITH THE COURT

Once you have completed the application in its entirety, take the original and two copies to one of the 2 locations in Gila County:

Clerk of Superior Court
1400 E. Ash St.
Globe, AZ 85501
(928) 425-8866
Monday-Friday
8:00a-5:00p

Clerk of Superior Court
714 S. Beeline Hwy, Ste. 104
Payson, AZ 85541
(928) 474-7135
Monday-Friday
8:00a-12:00p, 1:00p-5:00p

The packet you send in should include:

- The Application to Restore Civil Rights and/or Vacate Judgment of Guilt and Dismiss Charges, with the following attached:
 - Indictment or Complaint (If Federal)
 - Plea Agreement (If Federal)
 - Sentencing & Discharge paperwork (If Federal)
 - Certificate of Absolute Discharge (Federal or State Prison)
 - Affidavit of Discharge (Federal Probation)
- Order Restoring Civil Rights and/or Vacate Judgment of Guilt and Dismiss Charges

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.

If you file by mail, send to: Clerk of the Superior Court
1400 E. Ash St.
Globe, AZ 85501

STEP 6: THE COURT WILL SEND YOU AN ORDER

The judge may do one of the following:

- (1) Grant your request
- (2) Deny your request
- (3) Schedule a hearing
- (4) 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**