Person Filing: _____
Address (if not protected): _____
City, State, Zip Code: _____
Telephone: _____
Email Address: _____
Representing ☐ Self or ☐ Lawyer for _____
Lawyer's Bar Number: _____

For Clerk's Use Only

SUPERIOR COURT OF ARIZONA IN COCHISE COUNTY

STATE OF ARIZONA

-vs-

_____

Defendant (FIRST, MI, LAST)

Date of Birth:_____

Applicant is:

☐ Defendant
☐ Attorney for Defendant
☐ Probation Officer

Case Number: _____

APPLICATION TO SET ASIDE CONVICTION
(A.R.S. § 13-905)

Note: Your application may entitle you to restoration of the right to possess and carry a firearm pursuant to A.R.S. § 13-905(O)

SECTION I. CONVICTION(S)

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

1. Count I: _____
2. Count II: _____
3. Count III: _____
4. Count IV: _____

☐ Additional counts continue on a separate page.

SECTION II. SENTENCE COMPLIANCE

1. ☐ I have complied with all required terms of the **sentence** (including all probation, employment, classes, community restitution, victim restitution or other monetary obligations, drug/alcohol testing, or other requirements). ☐ **Yes** ☐ **No.** If no, please explain:

_____

_____

_____

2. ☐ I received a certificate of absolute discharge from the Arizona Department of Corrections.

☐ **Yes** ☐ **No**.

3. Victim restitution ☐ **has** ☐ **has not** been paid in full or ☐ **was not ordered.**
   If victim restitution has not been paid in full, please explain:

   _____

   _____

   _____

   _____

4. All other court-ordered monetary obligations ☐ **have** ☐ **have not** been paid in full or ☐ **were not ordered.**

   If all other monetary obligations have not been paid in full, please explain:

   _____

   _____

   _____

   _____

   In some circumstances, you may be eligible to apply to the court to modify the amount owed or convert monies owed to community restitution.

SECTION III. PRIOR SET ASIDE(S)

1. Have you previously applied to set aside any conviction? ☐ **Yes** ☐ **No.** If so, what was the date of your last application? _____
2. Have you previously been granted a set aside? ☐ **Yes** ☐ **No.** If so, was the set aside on a felony conviction? ☐ **Yes** ☐ **No.**
3. If you have previously been granted a set aside on a felony conviction, did you receive a certificate of second chance? ☐ **Yes** ☐ **No** ☐ **N/A.**
4. Have you previously been denied a set aside? ☐ **Yes** ☐ **No.**

SECTION IV. PENDING CASES

1. Are there any open criminal cases against you? ☐ **Yes** ☐ **No.** If yes, please explain:

   _____

   _____

   _____

   _____

SECTION V. OTHER INFORMATION FOR THE COURT

1. Is there anything you would like the court to take into consideration?

   _____

   _____

   _____

2. ☐ Attached is other pertinent documentation. List attached documents:

   _____

Case Number: _____

3. The defendant, prosecutor, or the victim may request a hearing, but the court is not required to set a hearing. Do you request a hearing? ☐ **Yes** ☐ **No.**

I understand that even if I am granted the right to possess and carry a firearm pursuant to this application, I may still be prohibited from possessing and carrying a firearm under other state or federal laws.

I understand that this application may be denied if information in this application is found to be inaccurate.

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

_____ _____

Print Defendant's Name Defendant's Signature

_____

Address

OR

AUTHORIZATION TO PROCEED ON BEHALF OF DEFENDANT

I authorize _____ ☐ Attorney, or ☐ Probation Officer to

petition the _____ Court in _____ County, to take the above-indicated action.

_____ _____

Date Defendant's Signature

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

_____ _____

Print Attorney/Probation Officer Name Attorney/Probation Officer Signature

Case Number: _____

Attorney/Probation Officer Address

Person Filing: _____
Address (if not protected): _____
City, State, Zip Code: _____
Telephone: _____
Email Address: _____
Representing ☐ Self or ☐ Lawyer for _____
Lawyer's Bar Number: _____

For Clerks Use Only

SUPERIOR COURT OF ARIZONA IN COCHISE COUNTY

STATE OF ARIZONA, Plaintiff

-vs-

_____
Defendant (FIRST, MI, LAST)

Date of Birth:_____

Case Number: _____

ORDER REGARDING APPLICATION TO SET ASIDE CONVICTION AND RESTORATION OF FIREARM RIGHTS
A.R.S. §§ 13-905 & 13-910

Based upon the information presented to the Court, **THE COURT FINDS THAT:** (only those items marked)

The prosecutor has received a copy of the Application to Set Aside Conviction.

☐ The defendant **has met** all statutory requirements for setting aside the conviction; AND
- ☐ The defendant **has met** all statutory requirements for a certificate of second chance.
- ☐ The defendant **has not met** all statutory requirements for a certificate of second chance.

OR

☐ The defendant **has not met** all the statutory requirements for setting aside the conviction.
☐ The defendant was convicted of a criminal offense not eligible to be set aside due to:
- ☐ a dangerous offense.
- ☐ an offense for which the person is required or ordered by the court to register pursuant to A.R.S. § 13-3821.
- ☐ an offense for which there has been a finding of sexual motivation pursuant to A.R.S. § 13-118.
- ☐ a felony offense in which the victim is a minor under fifteen years of age.

IT IS ORDERED:

Case Number: _____

☐ **DENYING** the application to set aside conviction for the following reasons:

☐ The defendant **has not met** all statutory requirements for the application.

☐ The defendant was convicted of a criminal offense **not eligible** for a conviction to be set aside.

☐ Other reasons:

_____.

☐ **GRANTING** the application setting aside the judgment of guilt, dismissing the complaint, information, or indictment, and that the applicant be released from all penalties and disabilities resulting from the conviction **except those imposed by**:

a. The **Department of Transportation** pursuant to A.R.S. §§ 28-3304, 28-3305, 28-3306, 28-3307, 28-3308, 28-3312, and 28-3319.
b. The **Game and Fish Commission** pursuant to A.R.S. §§ 17-314 or 17-340.
c. A lifetime injunction issued pursuant to A.R.S. § 13-719.

☐ The applicant's right to possess a firearm is also **restored**.

OR

☐ The applicant's right to possess a firearm is **DENIED** due to the applicant's conviction for a serious offense as defined in section 13-706.

CERTIFICATE OF SECOND CHANCE

IT IS FURTHER ORDERED:

☐ **DENYING** a certificate of second chance.

OR

☐ **GRANTING** a certificate of second chance, and accordingly, pursuant to A.R.S. § 13-905(M):

1. Unless specifically excluded by A.R.S. § 13-905, the defendant is released from all barriers and disabilities in obtaining an occupational license issued under title 32 that resulted from the conviction if the defendant is otherwise qualified;
2. An employer of the defendant is provided with all of the protections that are provided pursuant to section A.R.S. § 12-558.03;
3. Another person or an entity that provides housing to the defendant is provided with all of the protections limiting the introduction of evidence that are provided to an employer pursuant to A.R.S. § 12-558.03(B); and
4. This certificate of second chance is not a recommendation or sponsorship for or a promotion of the defendant when applying for an occupational license, employment or housing.

Case Number: _____

DATED this _____ day of _____,_____.

_____

Judicial Officer