

AVONDALE CITY COURT 11325 W. CIVIC CENTER DRIVE, AVONDALE, AZ 85323 (623) 333-5800

State of Arizona

Case Number: \_\_\_\_\_

Vs

\_\_\_\_\_  
Defendant

\_\_\_\_ APPLICATION TO SET ASIDE JUDGEMENT,  
ACCUSATION & PENTALIES  
\_\_\_\_ ORDER

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

Applicant \_\_\_\_\_

Address \_\_\_\_\_

Offense(s) \_\_\_\_\_ Date of Conviction \_\_\_\_\_

Sentence Imposed \_\_\_\_\_ Place of Conviction \_\_\_\_\_

The undersigned states that Defendant has fulfilled the condition of probation of sentence and was discharged by this court. If the application is sworn to by the Defendant's attorney or other, 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 and disabilities 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 guilty had not been set aside.

DATED: \_\_\_\_\_

AUTHORIZED: \_\_\_\_\_

\_\_\_\_\_  
Defendant/Attorney for Defendant

\_\_\_\_\_  
\_\_\_\_\_  
This Court, having read the foregoing application, and in conformance with the statues, 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 or citation 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. 28-446, EXCEPT that the conviction may be pleaded and proved in any subsequent prosecution of Defendant for any offense as if the judgment of guilty had not been set aside.

\_\_\_\_\_  
Denying the application for the following reasons: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

JUDGE

## **NOTICE OF RIGHT OF SETTING ASIDE JUDGMENT - A.R.S. §13-907**

Setting aside judgment of convicted person on discharge; making of application; release from disabilities; exceptions.

- A. Exception as provided in subsection B of this section, 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, the judge, justice of the peace or magistrate 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 section §28-3304, 06, 07 or §28-3308, except that the conviction may be used as a conviction if such conviction would be admissible had it been set aside and may be pleaded 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 section §28-3304, §28-3307 or §
- B. 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 section §28-3473, any local ordinance relating to stopping, standing or operation of a vehicle, or title 28, chapter3 §28-693.

NOTE: Pursuant to A.R.S. §13-907, an Application to Set Aside Judgment does not mean that Municipal Court will destroy records of you arrest or conviction. The Municipal Court does not seal the Record of Conviction or arrest, restrict inspection of your record, nor respond to inquiries related to your conviction as though the conviction never occurred. You may be required to disclose a conviction which has been set aside in applications for certain licenses. The Court cannot deny anyone the right to look at the court file or obtain a copy of the original citation, sentence or conviction.

The Motor Vehicle Department has no authority to suppress convictions and suspensions from the driving record. The Motor Vehicle Department will not remove any points from your driving record and the information is obtainable by an insurance agency.