

**TEMPE MUNICIPAL COURT
COUNTY OF MARICOPA, STATE OF ARIZONA
TEMPE.GOV/COURT
480-350-8271**

INFORMATION ON APPLICATION TO SET ASIDE JUDGMENT

On fulfillment of all the conditions of probation or sentence imposed by the Court, pursuant to A.R.S. §13-905, you may apply to have the judgment of guilt set aside. Your attorney or probation officer may apply on your behalf. If you were convicted of multiple offenses, each case and each individual charge must be addressed. If you have more than one case number, you must file a separate application for each case number. Note that a conviction for certain offenses cannot be set aside, and the granting of an application to set aside judgment will not affect any action taken by the Arizona Motor Vehicle Department against your driving privilege or against your driver's license record.

If the Court grants the application to set aside the judgment of guilt, the Court's order must include a Certificate of Second Chance if you have not previously received a Certificate of Second Chance for any other judgment, of any kind, including a judgment on a felony offense. Additional details regarding the Certificate of Second Chance is provided by A.R.S. § 13-905(K).

The Court will not charge a fee for filing an application to set aside the judgment. You may obtain the application directly from the Court or on-line by accessing Tempe Municipal Court at www.tempe.gov/court. When completing this form, you must include the following information: your full name as shown on the original complaint, current address and day-time phone number, email address (if applicable), date of birth, case sentence imposed, and your signature. An application will not be granted unless all requirements of the sentence have been satisfied, including all monetary obligations.

The State and victim may file a written response opposing your application within 60 days after the application is filed. If an objection is filed, the Court may set a hearing, and if so, the hearing will normally be set no later than 120 days after your application is filed. If your application is denied, you may file a new application only after satisfying all reasons stated for the denial.

Granting an application to set aside judgment does not mean the Court will destroy records of your arrest or conviction. The charge(s) for which you seek this request may still be used in any subsequent prosecution by the State, or any of its subdivisions.

Once the Court records are purged in accordance with the records retention schedule, you will be required to contact the Criminal History Records Section of the Arizona Department of Public Safety to obtain the information necessary for the Court to determine if a set aside judgment may be granted.

**TEMPE MUNICIPAL COURT
COUNTY OF MARICOPA, STATE OF ARIZONA
TEMPE.GOV/COURT
480-350-8271**

STATE OF ARIZONA
PLAINTIFF

VS.

DEFENDANT

DATE OF BIRTH

CASE #: _____

APPLICATION TO SET ASIDE JUDGMENT

Defendant, in connection with the above-captioned case, requests as follows, THAT:

1. The judgment of guilt be set aside.
2. 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 guilt had not been set aside.

This application is made in conformance with the Arizona Revised Statutes § 13-905 and is addressed to the Judge who pronounced sentence or imposed probation or to said Judge's successor in office.

Applicant: _____ Telephone #: _____

Address: _____ Email: _____

The applicant is: Defendant Attorney for Defendant Probation Officer

The Defendant was convicted of _____ on _____ in the Tempe Municipal Court and the following sentence was imposed: _____

1. Have you 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 terms?
 Yes **No**. If no, please explain: _____
2. Have you previously applied to set aside this conviction? **Yes** **No**. If so, what was the date of your last application? _____
3. Are there any prior, pending, or subsequent criminal cases against you? **Yes** **No**. If yes, please explain: _____
4. Is there anything you would like the court to take into consideration (attach pertinent documentation)?

5. Have you previously received a Certificate of Second Chance, for any other judgment, of any kind, including a judgment on a felony offense? **Yes** **No**. If yes, please explain:

If your application is granted, the Court's Order Setting Aside Judgment must include a Certificate of Second Chance if you have not previously received a Certificate of Second Chance for any other judgment, of any kind, including a judgment on a felony offense. Additional details about the Certificate of Second Chance is provided by A.R.S. § 13-905(K).

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

Applicant's Name Printed

Applicant's Signature and Date

**TEMPE MUNICIPAL COURT
COUNTY OF MARICOPA, STATE OF ARIZONA
TEMPE.GOV/COURT
480-350-8271**

STATE OF ARIZONA
PLAINTIFF

VS.

DEFENDANT

DATE OF BIRTH

CASE #: _____

**ORDER REGARDING APPLICATION TO SET
ASIDE JUDGMENT AND CERTIFICATE OF
SECOND CHANCE**

The Court, having read the foregoing application, and in conformance with the statutes, being fully apprised of the premise,
IT IS ORDERED:

- GRANTING** the Application to Set Aside Judgment and further ordering:
1. That the judgment of Defendant's guilt is set aside.
 2. That the Defendant's accusation, citation, or complaint be and the same is dismissed
 3. The 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. 28-3304, 28-3305, 28-3306, 28-3307, 28-3308, 28-3312, and 28-3319.

DENYING the Application to Set Aside Judgment for the following reasons: _____

CERTIFICATE OF SECOND CHANCE

IT IS FURTHER ORDERED:

- GRANTING** a Certificate of Second Chance, and accordingly, pursuant to A.R.S. § 13-905(K):
1. Unless specifically excluded by A.R.S. § 13-905(K), 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, subsection 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.
- DENYING** a Certificate of Second Chance.
- Defendant has previously received such certificate.

Date

Tempe Municipal Court Judge