

CITY OF TEMPE  
TEMPE MUNICIPAL COURT  
CRIMINAL DIVISION

APPLICATION TO SET ASIDE JUDGMENT OF GUILT

You may file the Application to Set Aside Judgment of Guilt or you may have your attorney file the Application on your behalf. The motion will be reviewed by the sentencing judge and is not automatically granted. When completing the form, include your full name as shown on the original complaint, date of birth, case or complaint number(s), violation code, the date of the violation, and day time phone number. Please allow a minimum of twenty days for your motion to be processed.

Pursuant to A.R.S. 13-907, an Application to Set Aside Judgment does not mean that the Municipal Court will destroy records of your arrest or conviction. Granting the motion will also NOT affect disabilities resulting from the conviction imposed by the Department of Transportation (such as "points" and MVD records). Also, the charge for which you seek a motion to set aside will still be able to be used in any subsequent prosecution by the State or any of its subdivisions for any offense and can be used by the Department of Transportation in enforcing the provisions of ARS 28-3304, 28-3306, 28-3307 or 28-3308 as if the judgment had not been set aside. The Municipal Court cannot seal the Record of Conviction or arrest, restrict inspection of your record, nor respond to inquiries relating 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.

Application for setting aside judgment must be made to the court within 5 years after satisfaction of judgment or 7 years for any DUI or domestic violence conviction. Once the court records are purged in accordance with the records retention schedule, you will be required to contact the Criminal History division of the Arizona Department of Public Safety for the information necessary for the court to determine if the set aside judgment may be granted.

Defendant or Attorney Signature \_\_\_\_\_ Date \_\_\_\_\_

## INSTRUCTIONS FOR APPLICATION TO SET ASIDE JUDGMENT

1. **NAME** -of defendant
2. **DATE OF BIRTH** -of defendant
3. **SOCIAL SECURITY NUMBER**- of defendant
4. **STATE & DRIVERS LICENSE NUMBER** -of defendant
5. **CASE #**- Number that is assigned to the case – same as docket #
6. **CITATION #**- Number on the ticket the defendant was issued
7. **VIOLATION DATE**- date the offense occurred
8. **CONVICTION DATE**- Date the case was resolved.
9. **MARK BOX FOR APPLICATION TO SET ASIDE JUDGMENT**
10. **APPLICANT**- Name of defendant
11. **ADDRESS** -Current address of defendant
12. **TELEPHONE #**- Current phone number of defendant
13. **APPLICANT IS**- mark appropriate box
14. **OFFENSE(S)**- What the defendant was charged with
15. **SENTENCE IMPOSED**-Sentence the defendant was given
16. **DATE OF CONVICTION** -Date the defendant appeared in Court and the case was resolved
17. **PLACE OF CONVICTION**- Tempe Municipal Court
18. **DATED**- Date this form was signed by the defendant/attorney
19. **DEFENDANT/ATTORNEY FOR DEFENDANT/PROBATION OFFICER**- Signature of attorney/probation officer or the defendant
20. **AUTHORIZED; DEFENDANT** -Signature of defendant
21. **STATE OF ARIZONA, COUNTY OF**- This section must be filled out by a notary public

### **NEXT TWO SECTIONS WILL BE COMPLETED BY THE COURT GO TO PAGE 2 AFFIDAVIT IN SUPPORT OF SETTING ASIDE JUDGMENT OF GUILT PAGE 2**

1. **DOCKET NUMBER**- Number assigned to the case
2. **DATE**-Date this page is filled out
3. **CHARGE**-What the defendant was charged with
4. **DATE OF OFFENSE**-Date the offense took place
5. **I, \_\_\_\_\_** Name of defendant
6. **CONVICTION ON**-Date of conviction
7. **ADDRESS**-Give all addresses since date of conviction
8. **OFFENSE**-List all offenses for the five years prior to the conviction of the offense you wish to have set aside
9. **OFFENSES INCLUDING TRAFFIC**-List all criminal records and traffic offenses since the conviction of the offense you wish to have set aside
10. **SIGNED**-Must be signed by defendant
11. **DATE OF BIRTH**-Must have defendant's date of birth
12. **DATE**-Date this form is signed by the defendant

**NOTE: IF ANY OF THE QUESTIONS ON THE APPLICATION TO SET ASIDE JUDGMENT OR THE AFFIDAVIT ARE NOT ANSWERED IT WILL BE RETURNED WITHOUT ANY ACTION BY THE JUDGE**

AFFIDAVIT IN SUPPORT OF SETTING ASIDE JUDGMENT OF GUILT

DOCKET NO \_\_\_\_\_ DATE \_\_\_\_\_

CHARGE \_\_\_\_\_ DATE OF OFFENSE \_\_\_\_\_

I, \_\_\_\_\_, Defendant, hereby state that since my conviction on \_\_\_\_\_ by the Court on the above complaint have resided in the following places:

ADDRESS	CITY	STATE	FROM	TO
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

I also state that my criminal record for the five years prior to conviction is as follows:

OFFENSE	DATE	PLACE	DISPOSITION
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

I also state that my criminal record, including traffic, subsequent to conviction is as follows:

OFFENSE	DATE	PLACE	DISPOSITION
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Under the penalties of perjury, I declare that I have examined the above statement made by me and to the best of my knowledge and belief each and all are true and correct.

SIGNED \_\_\_\_\_ DOB \_\_\_\_\_ DATE \_\_\_\_\_

STATE OF ARIZONA  
 VS. NAME \_\_\_\_\_  
 DATE OF BIRTH \_\_\_\_\_  
 SOCIAL SECURITY # \_\_\_\_\_  
 DRIVERS LIC. # \_\_\_\_\_

CASE # \_\_\_\_\_  
 CITATION # \_\_\_\_\_  
 VIOLATION DATE \_\_\_\_\_  
 CONVICTION DATE \_\_\_\_\_

APPLICATION TO SET  
 ASIDE JUDGMENT  
  
 ORDER

**APPLICATION**

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

Applicant \_\_\_\_\_ Address \_\_\_\_\_ Telephone # \_\_\_\_\_

Applicant is:  
 Defendant  
 Attorney for Defendant  
 Probation Officer

Offenses(s): \_\_\_\_\_  
 Sentence Imposed: \_\_\_\_\_  
 Date of Conviction: \_\_\_\_\_  
 Place of Conviction: \_\_\_\_\_

The undersigned states that Defendant has fulfilled the conditions of probation or sentence and was discharged by this Court. If the application is sworn to by Defendant's attorney or probation officer, either was authorized to do so as indicated by Defendant signature below.

Defendant, in connection with the above captioned case, requests 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 guilt had not been set aside.

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

\_\_\_\_\_  
 Defendant/Attorney for Defendant/Probation Officer

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

STATE OF ARIZONA )  
 COUNTY OF \_\_\_\_\_ ) ss.

Being duly sworn, I depose and say: that I have read this Application and know and understand the contents therein; that the statements made in this Application are true and correct to the best of my knowledge, information, and belief.

\_\_\_\_\_  
 Affiant

SUBSCRIBED AND SWORN to me before this date: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

\_\_\_\_\_  
 Notary

This application is SET FOR HEARING in the above named court as follows: Date: \_\_\_\_\_ Time: \_\_\_\_\_

COPY SENT to the  Defendant,  City Prosecutor

Date: \_\_\_\_\_ Time: \_\_\_\_\_

**ORDER**

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 and further ordering:

1. That the judgment of Defendant's guilt be, and the same 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. 26-455 or 28-446, EXCEPT that the conviction may be pleaded or proved in any subsequent prosecution of Defendant for any offense as if the judgment of guilt had not been set aside.

Denying the Application for the following reasons:

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