# APPLICATION TO DESTROY JUVENILE RECORDS, SET ASIDE JUVENILE ADJUDICATIONS, OR RESTORE FIREARM RIGHTS

(Instructions and Forms)

# Applications to Destroy Juvenile Records, Set Aside Juvenile Adjudications, or Restore Firearm Rights

### Checklist

You may use the forms and instructions in this packet if....

- ✓ You are at least 18 years of age, and no longer under the jurisdiction of Juvenile Court or the Department of Juvenile Corrections, AND
  - O You want to apply to the court to destroy your juvenile records, and/or
  - O You want to apply to the court to set aside your juvenile adjudication(s), and/or
  - You want to apply to the court to restore your firearm rights, AND
- ✓ You had a juvenile delinquency case (that may or may not have resulted in an adjudication) in the Superior Court of Arizona in Maricopa County, AND
- ✓ You currently do not have any criminal charges pending against you in an adult court.

Note: This packet contains three (3) different applications for you to ask the court to grant you one, two, or three different results. Depending on your situation and preference, you may use one, two, or three of the applications to address your concerns to the court. See the "Table of Contents" on the next page for the titles of the 3 different applications in this packet.

Do not use the forms and instructions in this packet if. . .

- ➤ You participated in a Juvenile Probation Department diversion program.
  - o If you <u>successfully completed diversion</u>, you do not need to apply for Destruction of Juvenile Records, Set Aside Conviction, or Restore Firearm Rights because your records will be automatically destroyed by the Juvenile Probation Department when you reach 18 years and 90 days per A.R.S. § 8-349(M).
  - o If you did <u>NOT successfully complete diversion</u>, please contact the Juvenile Probation Department at (602) 506-4011 for information on how to destroy your diversion records.

Read me: Consulting a lawyer before filing documents with the court may help prevent unexpected results. A list of Lawyers you may hire to advise you on handling your own case or to perform specific tasks can be found on the Law Library Resource Center website.

# Applications to Destroy Juvenile Records, Set Aside Juvenile Adjudications, or Restore Firearm Rights

This packet contains court instructions and forms to file three (3) Applications in Juvenile Court: Applications to: (1) Destroy Juvenile Records, (2) Set Aside Juvenile Adjudications, or (3) Restore Firearm Rights. Items in **bold** are forms to file with the Court. Non-bold items are instructions, helpful information, or procedures. Do not copy or file those pages!

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<sup>\*</sup>This form is often filed with the Application to Set Aside Juvenile Adjudication.

The documents you have received are copyrighted by the Superior Court of Arizona in Maricopa County. You have permission to use them for any lawful purpose. These forms shall not be used to engage in the unauthorized practice of law. The Court assumes no responsibility and accepts no liability for actions taken by users of these documents, including reliance on their contents. The documents are under continual revision and are current only for the day they were received. It is strongly recommended that you verify on a regular basis that you have the most current documents.

# Legal requirements to: (1) destroy juvenile records, (2) set aside a juvenile adjudication, or (3) restore firearm rights

1. Destruction of Juvenile Records – Legal Requirements (A.R.S. § 8-349(A) and (E))

Eligibility at age 18: You are eligible to have your Juvenile Court and Department of Juvenile Corrections delinquency records destroyed under A.R.S. § 8-349(A) if:

- You are at least 18 years of age and not under the jurisdiction of the Juvenile Court (A.R.S. § 8-202) or the Department of Juvenile Corrections
- You have not been convicted of a felony offense in adult court.
- A criminal charge is not pending against you in adult court.
- You have completed the conditions of your Juvenile Court-ordered probation or received a discharge from the Department of Juvenile Corrections and successfully completed the individual treatment plan under A.R.S. § 41-2820(B).
- All victim restitution has been paid in full.
- All court-ordered fines have been paid in full. If not, you may request a modification.
- You have not been adjudicated delinquent in Juvenile Court for an offense listed in A.R.S. § 13-501 subsection A or B (see below in Figure 1) or driving offenses involving drugs or alcohol (see A.R.S title 28, chapter 4).
- You are not required to register under A.R.S. § 13-3821 (see below in Figure 2).

In your Application, you must state that all of the above are true.

Figure 1

Offenses included in § A.R.S. 13-501 subsection A		Offenses included in § A.R.S. 13-501 subsection B	
13-1105	First degree murder	Any class 1 felony	
13-1104	Second degree murder	Any class 2 felony	
13-1406	Forcible sexual assault	• A class 3 felony in violation of any offense	
13-1904	Armed robbery	in chapters 10-17, 19, or 23 of title 13 (Includes most crimes <i>except</i> theft, forgery,	
13- 1204(A)(1)	Aggravated assault: serious injury	and fraud.)  • A class 3, 4, 5, or 6 felony involving the	
13- 1204(A)(2)	Aggravated assault: deadly weapon	intentional or knowing infliction of serious physical injury or the discharge, use or	

Offenses included in § A.R.S. 13-501 subsection A		Offenses included in § A.R.S. 13-501 subsection B	
13-1209	Drive by shooting	threatening exhibition of a deadly weapon or	
13-1211	Discharging a firearm at a structure	dangerous instrument	
Any felony offense committed by a chronic felony offender as defined in A.R.S. § 13-501(H)(2)		• Any felony offense committed by a chronic felony offender as defined in A.R.S. § 13-501(H)(2)	

Figure 2

	Offenses requiring registr	ation under	A.R.S. § 13-3821
13-1303	Unlawful imprisonment (victim under age 18, not committed by victim's parent)	13-3552	Commercial sexual exploitation of a minor
13-1304	Kidnapping (victim under age 18, not committed by victim's parent)	13-3553	Sexual exploitation of a minor
13-1404	Sexual abuse (victim under age 18)	13-3554	Luring a minor for sexual exploitation
13-1405	Sexual conduct with a minor	13-1402	Indecent exposure (second or subsequent exposure to a person under age 15)
13-1406	Sexual assault	13- 1403(B)	Public sexual indecency to a minor under age 15
	Sexual assault of a spouse (committed before 8/12/2005)	13-1402	Indecent exposure (third or subsequent violation)
13-1410	Molestation of a child	13-1403	Public sexual indecency (third or subsequent violation)
13-1417	Continuous sexual abuse of a child	13-3822	Violation of notice of moving place of residence or name change
13-3206	Taking child for the purpose of prostitution	13-3824	Violation of registration requirements
13-3212	Child prostitution (subsection A or B paragraph 1 or 2, before 8/19/2017)		Unlawful age misrepresentation
13-3212	Child sex trafficking (subsection A or B, paragraph 1 or 2, after 8/19/2017)	13-3560	Aggravated luring a minor for sexual exploitation
		13-1428	Sexual extortion (victim under age 15)

Eligibility at age 25: If you were not eligible between ages 18 and 24 under A.R.S. § 8-349(A), you may be eligible at age 25 under A.R.S. § 8-349(E). You are eligible to have your Juvenile Court and Department of Juvenile Corrections delinquency records destroyed under A.R.S. § 8-349(E) if:

- You are at least 25 years of age.
- A criminal charge is not pending against you in an adult court.
- You have not been convicted of a felony offense in an adult court.
- You are not required to register pursuant to A.R.S. § 13-3821 (see offenses listed in Figure 2).
- All victim restitution has been paid in full.
- All court-ordered fines have been paid in full. If not, you may request a modification.

In your Application, you must state that all the above are true.

<u>Important Advisement</u>: Destroying your records means that your entire file will be destroyed including the court's destruction order. After destruction, the court will no longer have any information regarding your juvenile case. You should keep the court's order destroying your record as you may need this order in the future for job applications, security clearances, entry into the military, further education, occupational licensing, or other reasons.

# 2. Set Aside Adjudications - Legal Requirements (A.R.S. § 8-348)

If you are at least 18 years of age, and no longer under the jurisdiction of Juvenile Court or the Department of Juvenile Corrections, have been adjudicated delinquent or incorrigible, and have fulfilled the conditions of probation or received a discharge from the Department of Juvenile Corrections under A.R.S. § 41-2820, you may apply to set aside the adjudication.

The court <u>cannot</u> grant the application to set aside the adjudication if you were adjudicated delinquent for any of the following offenses:

- A dangerous offense as defined in A.R.S. § 13-105 means "an offense involving the discharge, use or threatening exhibition of a deadly weapon or dangerous instrument or the intentional or knowing infliction of serious physical injury on another person."
- An offense for which there has been a finding of sexual motivation pursuant to A.R.S. § 13-118.
- An offense in violation of title 13, chapter 14 (sexual offenses).
- An offense in violation of A.R.S. §§ 28-1381, 28-1382, or 28-1383 if the offense can be alleged as a prior violation pursuant to title 28, chapter 4 (DUI).

In the Application, you must state:

• You are at least 18 years of age and no longer under the jurisdiction of Juvenile Court or the Department of Juvenile Corrections.

- You have completed the conditions of your court-ordered probation or received a discharge from the Department of Juvenile Corrections upon successful completion of the individual treatment plan under A.R.S. § 41-2820(B).
- You were not adjudicated for an offense listed above.
- Whether you have been convicted of a felony offense in an adult court.
- Whether you have a criminal charge pending in an adult court.
- All victim restitution has been paid in full.
- All monetary obligations have been paid in full or good cause exists for modification of any unpaid monetary obligations. In this application you may request the court modify the monetary obligations.
- 3. Restoration of Right to Possess a Firearm Legal Requirements (A.R.S. § 8-249)

If you have been adjudicated for a felony offense or an offense that remains undesignated as a class 6 open-ended offense, you have lost your right to possess a firearm. You must apply with the court to have that legal right returned to you, even after you turn 18 years of age.

If your undesignated offense has been designated a misdemeanor, your right to possess a firearm is automatically restored at age 18.

You may apply for restoration of your right to possess a firearm as set forth below. In the Application, you must state that one of the following is true:

- a. You were adjudicated delinquent for a dangerous offense under A.R.S. § 13-704, a serious offense as defined in A.R.S. § 13-706, burglary in the first degree, burglary in the second degree, or arson, and you are at least 30 years of age.
  - A dangerous offense under A.R.S. § 13-704 means "an offense involving the discharge, use or threatening exhibition of a deadly weapon or dangerous instrument or the intentional or knowing infliction of serious physical injury on another person" (see A.R.S. § 13-105(13)).
  - Serious offense under A.R.S. § 13-706 includes: first degree murder; second degree murder; manslaughter; aggravated assault resulting in serious physical injury or involving the discharge, use, or threatening exhibition of a deadly weapon or dangerous instrument, sexual assault, any dangerous crime against children; arson of an occupied structure; armed robbery; burglary in the first degree; kidnapping; or sexual conduct with a minor under 15 years of age; and child sex trafficking.

OR

b.

c. You were adjudicated delinquent for any other felony offense, and it has been two years since you were discharged from probation.

<u>Important Advisement</u>: Even if you are granted the right to possess a firearm by the Juvenile Court in this case, you may still be prohibited from possessing a firearm under other state and federal laws.

# Destruction of Juvenile Records Instructions: How to complete the Application form

- 1. Determine if you meet the requirements for the request you are making. (See Legal Requirements document.)
- 2. Complete the Application form with black ink, typed or printed.
- 3. Sign the Application.
- 4. You must file the original and one (1) copy of the Application with the Clerk of Superior Court. The Clerk will not charge a fee.
- 5. The Clerk of Superior Court will transmit notice of the Application to the County Attorney. The County Attorney may file a response to the Application regarding your juvenile records.
- 6. The Clerk of Superior Court will return one copy of the Application for your records.

If you have a Juvenile Court case in more than one county, you must file a separate Application with the Clerk of Superior Court in each county in which you had a case.

You may obtain your case number from the Clerk of Superior Court in the county in which you were adjudicated. You can get a copy of your public record from the Juvenile Probation Department.

Heading:

At the top of the form, please fill in your name; mailing address (if address is not protected), city, state, zip code, telephone number and email address. If you are an attorney filing on behalf of the applicant fill in your State Bar Number.

Fill in your first and last name on the line above "Applicant's Name."

Fill in your date of birth.

Fill in your case number(s).

If you are requesting that the court modify your fines, check the box before "Request to Modify Fines."

Statements to and Request(s) of the Court:

To determine whether you should complete Item A or Item B on the form, refer to the Legal Requirements document.

A. Complete this section of the form if you are at least 18 years of age and no longer under the jurisdiction of Juvenile Court or the Department of Juvenile Corrections (not on probation or under supervision of Department of Juvenile Corrections).

Check all boxes that are true.

If the fines are not paid in full, you may explain to the court the reasons for requesting that the fines be modified in this section.

OR

B. Complete this section if you are at least 25 years of age.

Check all boxes that are true.

If the fines are not paid in full, you may explain to the court the reasons for requesting that the fines (except victim restitution) be modified in this section.

Date and sign the form.

Important Advisement: Destroying your records means your entire file will be destroyed, including the court's destruction order. After destruction, the court will no longer have any information regarding your juvenile case. You should keep the court's order destroying your record as you may need this order in the future for job applications, security clearances, entry into the military, further education, occupational licensing, or other reasons.

# Set Aside a Juvenile Adjudication Instructions: How to complete the Application form

- 1. The form may be completed by the applicant, the applicant's attorney, or the applicant's probation or parole officer. An attorney is not required.
- 2. Determine if you meet the requirements for the request you are making. (See Legal Requirements document.)
- 3. Complete the Application form in black ink, typed or printed.
- 4. Sign the Application.
- 5. You must file the original and two (2) copies of the Application with the Clerk of Superior Court in the county where you were adjudicated.
- 6. The Clerk of Superior Court will transmit a copy of the Application to the prosecutor.
- 7. The Clerk of Superior Court will return one copy of the Application to you for your records.

If you have been adjudicated in more than one county, you must file a separate Application with the Clerk of Superior Court in each county in which you were adjudicated.

You may obtain your case number(s) from the Clerk of the Superior Court in the county in which you were adjudicated.

Heading:

At the top of the form, please fill in your name; mailing address (if address is not protected), city, state, zip code, telephone number and email address. If you are an attorney filing on behalf of the applicant fill in your State Bar Number.

Fill in your first and last name on the line above "Applicant."

Fill in your date of birth on the line above "Applicant's Date of Birth."

Fill in your case number(s) on the line after "JV."

If you are requesting that the court modify your monetary obligations, check the box before "Request to Modify Monetary Obligations."

Check the appropriate box to indicate whether you are completing the application yourself or your attorney or other representative is completing for you.

Statements to and Request(s) of the Court:

Check all boxes that are true.

If the monetary obligations are not paid in full, you may explain to the court the reasons for requesting that the monetary obligations (except victim restitution) be modified in this section.

Date and sign the form.

Note: If an application to set aside an adjudication is granted, all remaining unpaid monetary obligations continue to be owed.

# Authorization to proceed on behalf of applicant

If the applicant has authorized an attorney, probation or parole officer to petition the juvenile court on the defendant's behalf, fill out this section.

Fill in the applicant's first and last name and check the box as to who the "Applicant" is in this matter.

Fill in the name of the county in which this juvenile court is located.

Date and sign the application. If your attorney or other representative completed the application both you and the representative must sign it.

# Restoration of Firearm Rights Instructions: How to complete the Application form

- 1. The form may be completed by the applicant, or the applicant's attorney. An attorney is not required.
- 2. Determine if you meet the requirements for the request you are making. (See Legal Requirements document.)
- 3. Complete the Application form in black ink, typed or printed.
- 4. Sign the Application. If the Application was completed by an attorney, the attorney must sign the Application also.
- 5. You must file the original and two (2) copies of the Application with the Clerk of Superior Court in the county where you were adjudicated.
- 6. The Clerk of Superior Court will return one copy for your records.
- 7. In black ink, please complete the form following the instructions below.

If you have been adjudicated in more than one county, you must file a separate Application with the Clerk of Superior Court in each county where you were adjudicated.

You may obtain your case number(s) from the Clerk of Superior Court in the county where you were adjudicated.

Heading:

At the top of the form, please fill in your name; mailing address (if address is not protected), city, state, zip code, telephone number and email address. If you are an attorney filing on behalf of the applicant fill in your State Bar Number.

Fill in your first and last name on the line above "Applicant."

Fill in your date of birth.

Fill in your case number(s).

Statements to and Request(s) of the court:

Check the box that is true.

Date and sign the form.

Procedures: What to do after you complete your Application(s)

- Step 1: Check your work: Make sure the Application(s)
  - ✓ Are in black ink
  - ✓ Are neat and readable
  - ✓ Are dated and signed by you, the Applicant. If your attorney or other representative completed the application, both you and the representative must sign it.
- Step 2: Copies. Make two (2) photocopies of the original Application(s).

eFiling is an option in Juvenile Court. If you would like to efile your forms, please visit this link for more information:

eFiling Online: Clerk of Superior Court, Maricopa County

Step 3: Separate the copies into 3 document sets (if you did not complete the form, you do not need to include it below):

# Set 1: <u>Originals</u> for the Clerk of Superior Court

- Application for Destruction of Juvenile Records
- Application to Set Aside Juvenile Adjudications
- Application to Restore Firearm Rights

Set 2: Copy for County Attorney (Provide this to the Clerk)

- Application for Destruction of Juvenile Records
- Application to Set Aside Juvenile Adjudications
- Application to Restore Firearm Rights

# Set 3: Copy for You

- Application for Destruction of Juvenile Records
- Application to Set Aside Juvenile Adjudications
- Application to Restore Firearm Rights

Step 4: Go to the Clerk of Superior Court at one of the following locations:

Clerk of Superior Court or Clerk of Superior Court

Juvenile Division Juvenile Division

3131 West Durango Street 1810 South Lewis Street

Phoenix, AZ 85009 Mesa, AZ 85210

Step 5: File the sets of documents with the Clerk of Superior Court.

- The Clerk will date stamp all document sets and keep the original documents.
- The Clerk will return a set to you for your records.
- The Clerk will keep one set of Application(s) and transmit it to the County Attorney.

Step 6: Wait. Your Application(s) will be reviewed, commented on, and then returned to the Clerk of Superior Court. The Clerk will contact you about the status of your Application(s) upon receipt of the Court Order(s) concerning your Application(s).

Person Filing:			
Address (if not prot	rected):		
City, State, Zip Coo	le:		
Telephone:			
Email Address:			For Clerk's Use Only
	ber:		
Representing	Self, without a Lawyer OR	Attorney for	
		RT OF ARIZONA PA COUNTY	
In the Matter of:  Applicant's Name		Case No(s).: APPLICATION for D JUVENILE RECORI (A.R.S. § 8-349)	
		Request to Modify	y Fines
Applicant's Date of	Birth		
A. I requ	O AND REQUEST(S) OF TH lest destruction of my juvenil ctions records, pursuant to A.	e court records, including	Department of Juvenile
Check all that are t	rue.		
	I am at least 18 years of age and not under the jurisdiction of the Juvenile Court or the Department of Juvenile Corrections.		
	I have not been convicted of a felony offense in adult court.		
	A criminal charge is not pen I was not adjudicated for an B or title 28, chapter 4. (See <i>Records</i> document.)	offense listed in A.R.S. § 1	13-501 subsections A or

		I have completed the terms and conditions of court-ordered probation, or I have been discharged from the Department of Juvenile Corrections and successfully completed my individualized treatment plan pursuant to A.R.S. § 41-2820.
		I am not required to register pursuant to A.R.S. § 13-3821. (See Legal Requirements for the Destruction of Juvenile Records handout.)
		All victim restitution is paid in full OR
		All fines have been paid in full OR \( \subseteq \text{No fines were ordered in this case.} \)
		Or
		Fines have not been paid in full, and I request the court modify these fines. The following circumstances exist to support my request to modify the fines owed: (Explain.)
Note	: The C	Court cannot modify victim restitution.
В.	-	nest destruction of my juvenile court records, including Department of Juvenile ections records, pursuant to A.R.S. § 8-349(E).
	Check all that are true.	
		I am at least 25 years of age and not under the jurisdiction of the Juvenile Court or the Department of Juvenile Corrections.
		I have not been convicted of a felony offense in adult court.
		A criminal charge is not pending against me in an adult court.

Case No.:

	I am not required to register pursuant to A.R.S. § 13-3821. (See <i>Legal Requirements for the Destruction of Juvenile Records</i> document.)
	All victim restitution is paid in full or was not ordered in this case.
	All fines have been paid in full or no fines were ordered in this case.
	Or
	Fines have not been paid in full, and I request the court modify these fines. The following circumstances exist to support my request to modify the fines owed: (Explain.)
Note: The	Court cannot modify victim restitution.
<u> </u>	
Signature of	f Applicant's or Applicant's Attorney  Date

Case No.:

Person Filing:		
Address (if not protected):		
City, State, Zip Code:		
Telephone:		
Email Address:	For Clerk's Use Only	
Lawyer's Bar Number:		
Representing Self, without a Lawyer C	OR Attorney for	
	COURT OF ARIZONA RICOPA COUNTY	
In the Matter of:	Case No(s).:	
in the Matter of.	APPLICATION TO SET ASIDE	
	JUVENILE ADJUDICATION	
Applicant's Name	(A.R.S. § 8-348)	
	Request to Modify Monetary Obligations	
Applicant's Date of Birth		
STATEMENTS TO AND REQUEST(S) OF	THE COURT	
dismiss the petition(s), and I be released	on the petition(s) in this/these case number(s), the court from all penalties and disabilities resulting from the ions in this case, or penalties imposed by the Department 304, 28-3306, 28-3307, 28-3308, or 28-3319.	
I am at least 18 years of age and no lo Department of Juvenile Corrections.	onger under the jurisdiction of the Juvenile Court or the	
I was not adjudicated delinquent for an	-	
• A dangerous offense as defined	-	
<ul> <li>An offense for which there has § 13-118;</li> </ul>	been a finding of sexual motivation pursuant to A.R.S.	
<ul> <li>An offense in violation of Title</li> </ul>	13, Chapter 14;	

can be alleged as a prior violation pursuant to title 28, chapter 4, or;

An offense in violation of A.R.S. §§ 28-1381, 28-1382, or 28-1383 (DUI) if the offense

	• An offense for which I have not pai	d in full the victim restitution ordered by the court.			
	I have not been convicted of a felony offer	ense in an adult court.			
	I do not have a criminal charge pending in an adult court.  I have completed the conditions of my court-ordered probation or I have received a discharge from the Department of Juvenile Corrections and successfully completed my individualized treatment plan under A.R.S. § 41-2820.				
	All monetary obligations I was ordered to passed were ordered in this case.	bay have been paid in full or no monetary obligations			
	Or				
	Monetary obligations have not been paid in full, and I request the court modify these obligations. The following circumstances exist to support my request to modify the monetary obligations owed: (Explain.)				
	Note: The Court cannot modify victim re	stitution.			
Name	e of Applicant or Other Representative	Relationship to Applicant			
Signa	ature of Applicant or Other Representative	Date			
Auth	orization to proceed on behalf of Applica	nt:			
	•	e office assisted in completing this application.			
_	norize				
petiti	on the Juvenile Court in				
Appli	icant's Signature	Date			

Case No.:

Person Filing:		
Address (if not protected):		
City, State, Zip Code:		
Telephone:		
Email Address:	For Clerk's Use Or	
Lawyer's Bar Number: Representing Self, without a Lawyer OR		
SUPERIOR COUR IN MARICOP		
In the Matter of:	Case No(s).:	
Applicant's Name	APPLICATION to RESTORE FIREARM RIGHTS (A.R.S. § 8-249)	
Applicant's Date of Birth		
STATEMENTS TO AND REQUEST(S) OF T	HE COURT	
I request the Court restore my right to posses statement checked below is true and accurate.	s a firearm pursuant to A.R.S. § 8-249. The	
Choose only one.		
I was adjudicated for a felony offense and it has been at least 2 years since I was discharged from probation. I have not been adjudicated delinquent for a dangerous offense under A.R.S. § 13-704, a serious offense as defined in A.R.S. § 13-706, burglary in the first degree, burglary in the second degree, or arson.		
OR		
I was adjudicated delinquent for a dar serious offense as defined in A.R.S. § 13-706 second degree or arson and I am at least thirty (		

	Case No.:	
I understand that even if I am granted the right	to possess a firearm by the Court in this case	
I may still be prohibited from possessing a firearm under other state and federal laws.		
Applicant's Signature	Date	
Signature of Applicant's Attorney (if applicable)	Date	