# PETITION TO SEAL CRIMINAL CASE RECORDS

### (Forms & Instructions)

 $\ensuremath{\mathbb{C}}$  Superior Court of Arizona in Maricopa County ALL RIGHTS RESERVED CRSR1 - 5436 – 060925

Law Library Resource Center

#### Petition to Seal Criminal Case Records

Checklist

You may use the instructions and forms to ask the Court to seal your criminal case records if . . .

✓ You were convicted of a criminal offense and have completed all the terms and conditions of the sentence that were imposed by the court, including:

- Payment of all monetary obligations and restitution to all victims.
- Completion of all other terms of the sentence.
- Receiving an absolute discharge from the Arizona Department of Corrections.

#### OR

You were charged with a criminal offense and the charge was subsequently dismissed or resulted in a not guilty verdict at trial.

#### OR

✓ You were arrested for a criminal offense and no charges were filed.

Do not use the forms in this packet if:

X You do not fit one of the categories above.

★ The court denied your previous petition, and it is less than 3 years from the date of the denial of that petition.

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.

#### Law Library Resource Center

## Instructions for completing a Petition to Seal Criminal Case Records pursuant to A.R.S. § 13-911

Please read the following before completing the petition form.

Who can use the petition form:

You may file a petition to seal all case records related to a criminal offense if you were:

✓ Convicted of a criminal offense and have completed all the terms and conditions of the sentence that were imposed by the court, including the payment of all monetary obligations and restitution to all victims.

#### OR

✓ Charged with a criminal offense and the charge was subsequently dismissed or resulted in a not guilty verdict at trial.

#### OR

 $\checkmark$  Arrested for a criminal offense and no charges were filed.

Where to file your petition:

- If you were convicted of an offense listed in the petition: You must file in the court where you were convicted.
- If all charges were dismissed, you were found not guilty on all charges, or the conviction was vacated: You must file in the court where the indictment, information, criminal citation or complaint was filed against you. (Exception: if the citation or complaint was filed in a justice court and your case was subsequently transferred to the superior court, the petition must be filed in the superior court.)
- If no charges were filed but you had an initial appearance: You must file in the court where you had your initial appearance.
- If you were arrested but no initial appearance was held and no charges were filed: You must file the petition in the superior court in the county where you were arrested.
- If you have multiple cases, you must file a separate petition for each case as set forth above.

#### Required information:

To complete the petition, you must, at a minimum, provide the court with the following information as required by Rule 36.1, Arizona Rules of Criminal Procedure:

- Your name, address, date of birth, and email address.
- Any name you used at the time of arrest, charge, or conviction, if different from your current name.
- The offense(s) for which you are requesting records be sealed and if charges were filed, the court's case number.

- Whether there are any outstanding fines, fees, restitution, or other court-ordered financial obligations for the offense.
- Whether you have completed the conditions of your probation or sentence.

If you were represented in court by an attorney, your defense attorney may be able to provide any information needed to fill out the petition. You may also contact the arresting agency or search public record archives to gather pertinent information.

- Department of Public Safety: <u>https://www.azdps.gov/services/public/records/criminal</u>
- Arizona Judicial Branch's Public Access to Court Case Information: <u>https://apps.supremecourt.az.gov/publicaccess/caselookup.aspx</u>

#### Complete the Petition and provide required information:

- At the top of the first page, type or print the name, mailing address, email address, and phone number of the person filing this form.
- Print the name of the court where you are filing the petition.
- Below, fill in the caption as it appears in the case for which you seek to have your case records sealed. If no charges were filed and this is a petition to seal only arrest records, put your name in the "In Re the Matter of:" portion of the caption instead of the "STATE OF ARIZONA" portion of the caption.
- If you are filing an amended petition in an existing case, please check the "<u>Amended</u>" box located in the right side of the caption. Failure to do so may delay the processing of your filing.
- Indicate the type of criminal records you are asking the court to seal. Check only the boxes that apply.

Section I. Case Records Related to a Criminal Offense

- 1. Petitioner's Information (required)
  - Enter your name, address, date of birth, and email address.
  - Enter any name you used at the time of arrest, charge, or conviction (if different from your current name).
- 2. Case Record Information (required)
  - Describe the offenses or charges for which you are requesting records be sealed.
  - Enter the name of the court that adjudicated the charges, or if charges were not filed, the court that would have adjudicated the charges.
  - Enter the court case number and counts (if charges were filed).
  - If no charges were filed, indicate whether you had an initial appearance. If you mark "yes," indicate whether the initial appearance was in the court in which you are filing your petition.
  - <u>Important:</u> If no charges were filed but you had an initial appearance, you <u>must</u> file <u>in the court where you had your initial appearance</u>. If you were arrested but no initial

appearance was held, you must file in the superior court in the county where you were arrested.

- 3. Additional Case Record Information (if known)
  - Enter the date and location of the arrest.
  - Enter the name of the arresting agency.
  - Enter the name of the prosecuting agency (if charges were filed).
  - Enter the name of the justice court and justice court case number if the case was initially filed in a justice court but was transferred to the superior court.
- 4. Describe Your Situation (required)
  - Check the first box if you were arrested for a criminal offense but no charges were filed. If you check this box, you can skip Section II and go to Section III.
  - Check the second box if you were charged with one or more criminal offenses but the charges were dismissed or resulted in a not guilty verdict at trial. Enter the date of the dismissal or not guilty verdict.
  - Check the third box if you were convicted on the charges. Enter the date of the judgment of guilt.

Section II. Sentence Compliance (required except when no charges were filed)

- 1. Check "Yes," "No," or "N/A" regarding whether you have completed all required monetary terms of the sentence.
- 2. Check "Yes," "No," or "N/A" regarding whether you have completed all other terms of the sentence.
- 3. Check "Yes," "No," or "N/A" regarding whether you have received an absolute discharge from the Arizona Department of Corrections. If you check "yes," it is strongly encouraged that you attach a certificate of absolute discharge. The court may otherwise not have sufficient information to grant your petition.
- 4. Check "Yes," "No," or "N/A" regarding whether you have been discharged from probation. If you check "yes," it is strongly encouraged that you attach a copy of your order of discharge. The court may otherwise not have sufficient information to grant your petition.

If you checked "No" to #1, #2, #3, or #4 above, you are not eligible to have your case records sealed and cannot file this petition.

#### Section III. Prior Sealing of Records

1. Check "Yes" if you have previously filed a petition to seal case records under ARS § 13-911 in this case.

Enter the date you filed your last petition if applicable.

If you previously filed a petition in this case and the court denied the petition, you must wait 3 years from the date of the denial to refile the petition.

2. Check "Yes" if you have had case records sealed under ARS § 13-911 in a previous case. Enter the date you completed all non-monetary conditions of probation or sentence and were discharged by the court.

If you have had case records sealed in a previous case and are seeking to have records of a subsequent felony offense sealed, ARS § 13-911(F) requires that you wait until the applicable time period prescribed in ARS § 13-911(E) for the subsequent felony offense has expired and an additional five years have passed.

#### Section IV. Other Information for the Court

- 1. If you are filing this petition to have a conviction sealed, indicate whether you have been convicted of any other offense since the conviction for which you are asking the court to seal records. Check "N/A" if no charges were filed and you are seeking to seal arrest records only, or if charges were filed but were dismissed.
- 2. Indicate whether there are any charges pending against you, including the jurisdiction, pending charges, and dates of the charges
- 3. Although a hearing is not required for the court to make a ruling, a hearing may be held if requested by you, the prosecutor or the victim, or on the court's own motion. Indicate whether you are requesting a hearing.
- 4. Include any details that you want the court to take into consideration when reviewing your petition.
- 5. List and attach copies of any other pertinent documentation. Do not include any originals.

#### Declarations and Acknowledgments

Read the Declarations and Acknowledgements. Make sure you understand this section and do not have any questions. If you agree with these statements, sign and date the petition and provide your address below the signature line.

#### <u>Appeal</u>

If your petition is denied, you may appeal but only on the basis of your eligibility to petition the court.

#### Mandatory waiting period if petition is denied

If your petition is denied, you must wait 3 years from the date of denial to file another petition.

Failure to provide enough details about the records you want to have sealed may result in the court dismissing your petition. If that occurs, you may file a new petition with additional details about your records.

#### Law Library Resource Center

## Procedures for submitting a Petition to Seal Criminal Case Records pursuant to A.R.S. § 13-911

Step 1: Complete the Petition and provide required information.

- If your conviction resulted in a prison sentence:
  - It is recommended that you attach to the Petition a *Certificate of Absolute Discharge from Imprisonment* from the Arizona Department of Corrections. The Department of Corrections ("DOC") office is located at 701 E Jefferson St., Phoenix. Before issuing a statement, DOC will require the Superior Court's proof of payment of all financial sanctions for that case. Therefore, you should get a financial statement and payment history from the Clerk of Superior Court's Criminal Financial Obligations Section. You may request a payment history in person from the Criminal File Counter, South Court Tower, 175 West Madison Street, 12th Floor, Phoenix, AZ 85003 or the File Counter, Southeast Regional Court Facility, 222 East Javelina Avenue, Mesa, AZ 85210. You will need to fill out a request and pay a fee, and the payment history will be sent to you. Contact Criminal Financial Obligations for details and more options at (602) 372-5375.
  - Additional DOC information may be available at <u>https://corrections.az.gov/</u>.
- If you have been discharged from probation:
  - It is recommended that you attach to the Petition a copy of your order of discharge. To get an Order of Discharge from Probation, you may call the Clerk of Superior Court and ask for a copy from the docket. You may also email a request to Adult Probation at <u>APDRecordsRequest@jbazmc.maricopa.gov</u>.
- Step 2: Put documents together and separate into four (4) sets. You will need the following forms:

Set 1: Originals for Clerk of Superior Court:	Set 2: Copies for Judge:
<ul> <li>Petition to Seal Case Records</li> <li>Optional – Any supporting documentation</li> </ul>	<ul> <li>Petition to Seal Case Records</li> <li>Optional – Any supporting documentation</li> </ul>
Set 3: Copies for County Attorney's Office:	Set 4: Copies for You:
<ul> <li>Petition to Seal Case Records</li> <li>Optional – Any supporting documentation</li> </ul>	<ul> <li>Petition to Seal Case Records</li> <li>Optional – Any supporting documentation</li> </ul>

Step 3: Deliver or mail.

The completed petition can be filed in person, mailed, efiled, or deposited in the external depository boxes as described below. The Clerk of Superior Court is open Monday through Friday from 8:00 a.m. to 5:00 p.m. There is no filing fee.

• File in Person at:

Criminal File Counter South Court Tower 175 W. Madison Street, 12<sup>th</sup> Floor Phoenix, AZ 85003 File Counter Southeast Regional Court Facility 222 E Javelina Avenue Mesa, AZ 85210

• Mail to:

Clerk of Superior Court Criminal Operations 175 W. Madison Street, 4<sup>th</sup> Floor Phoenix, AZ 85003

• eFile via: https://efilingonline.clerkofcourt.maricopa.gov/

• Leave in external deposit box at:

County Administration Building 4<sup>th</sup> Avenue Entrance 301 West Jefferson Street Phoenix, AZ 85003

Northeast Regional Center Main Entrance 18380 North 40<sup>th</sup> Street Phoenix, AZ 85032 Southeast Facility Court Facility South Entrance 222 East Javelina Avenue Mesa, AZ 85210

Northwest Regional Center Main Entrance 14264 West Tierra Buena Lane Surprise, AZ 85374

#### Step 4: Wait for the Court to notify you.

- Upon filing the petition, notice of the petition will be given to the appropriate prosecutors as required by law.
- The prosecuting agency has thirty (30) days after the petition is filed to respond stating any objections to the petition. You may file a reply no later than fifteen (15) days after the response is filed.

- Requesting a hearing. If a hearing is requested by you, the prosecutor, the victim, or on the court's own motion, the Court will notify you. The petition may be ruled upon without a hearing. Keep in mind that you cannot request a hearing after the court rules on your petition you must make the request beforehand.
- The Court must wait at least sixty (60) days before it can grant or deny the petition, unless the prosecuting agency and all victims provide notice that they do not object.
- You will be mailed a signed copy of the Order granting, denying, or dismissing your petition at the address listed on the petition. If your address changes, you will need to file a change of address form with the Clerk of Superior Court. The change of address form can be downloaded at:

https://www.superiorcourt.maricopa.gov/SuperiorCourt/LawLibraryResourceCenter.

• If you have questions before you file the petition, you can contact the Clerk of Superior Court at (602) 372-5375. If you have not received an Order after 120 days from the date you submitted your petition, you can contact Criminal Administration at (602) 506-8575.

If you have any questions regarding your rights, please refer to the Arizona Rules of Criminal Procedure and Title 13 of the Arizona Revised Statutes located at: <u>https://govt.westlaw.com/azrules</u> and <u>https://www.azleg.gov/arstitle/</u>.

In the Superior Court of the State of Arizona	
In and for the County of	Is Interpreter Needed? Yes No
Case Number	If yes, what language(s):
CIVIL COVER SHEET- NEW FILING ONLY (Please Type or Print)	
Plaintiff's Attorney	
Attorney Bar Number	
Plaintiff's Name(s): (List all) Plainti	ff's Address: Phone #: Email Address:
(List additional Plaintiffs on page two and/or attach a	a separate sheet).
Defendant's Name(s): (List All)	
(List additional Defendants on page two and/or attac	h a separate sheet)
(List additional Defendants on page two and/or attact	n a separate sheet)
RULE 26.2 DISCOVERY TIER OR	
<b>IMPORTANT: Any case category that has an as</b> <b>or Tier selected.</b> State the monetary amount in con	
to which the pleadings allege the ca	
Amount Claimed \$	Tier 1 Tier 2 Tier 3
NATURE O	F ACTION
Place an <b>"X"</b> next to the <u>one</u> case category that most	t accurately describes your primary case. Any case
category that has an asterisk (*) MUST have	
indicated 100 TORT MOTOR VEHICLE:	
100 TORT MOTOR VEHICLE.	<b><u>110 TORT NON-MOTOR VEHICLE:</u></b>
101 Non-Death/Personal Injury*	111 Negligence*
102 Property Damage*	112 Product Liability – Asbestos*
103 Wrongful Death*	112 Product Liability – Tobacco*
	112 Product Liability – Toxic/Other*
	113 Intentional Tort*
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	Case No:
114 Property Damage*	158 Quiet Title*
115 Legal Malpractice*	160 Forfeiture*
115 Malpractice – Other professional*	175 Election Challenge
117 Premises Liability*	179 NCC-Employer Sanction Action (A.R.S.
	§23-212)*
119 Recovery of Damages under A.R.S. §12-	180 Injunction against Workplace
514* (Please provide Plaintiff DOB	Harassment
	181 Injunction against Harassment
116 Other (Specify) *	182 Civil Penalty
	186 Water Rights (Not General Stream
<b>120 MEDICAL MALPRACTICE:</b>	Adjudication)*
	187 Real Property *
121 Physician M.D.* 123 Hospital*	145 Special Action
122 Physician D.O* 124 Other*	194 Immigration Enforcement Challenge
	(A.R.S. §§1-501, 1-502, 11-1051)
<u>130 &amp; 197 CONTRACTS:</u>	199 Expungement
	202 Out of State Restoration of Civil Rights
131 Account (Open or Stated)*	201 Seal Criminal Case Records (A.R.S.
132 Promissory Note*	§13-911)
133 Foreclosure*	
138 Buyer-Plaintiff*	<u>144 &amp; 150-199 UNCLASSIFIED CIVIL:</u>
138 Buyer-Plaintiff* 139 Fraud*	
139 Fraud* 134 Other Contract (e.g., Breach of	Administrative Review
<ul> <li>139 Fraud*</li> <li>134 Other Contract (e.g., Breach of Contract)*</li> </ul>	Administrative Review (See Lower Court Appeals cover sheet in
<ul> <li>139 Fraud*</li> <li>134 Other Contract (e.g., Breach of Contract)*</li> <li>135 Excess Proceeds-Sale*</li> </ul>	Administrative Review (See Lower Court Appeals cover sheet in Maricopa)
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	Case No:
172 Secure Attendance of Prisoner	196 Verified Rule 45.2 Petition
173 Assurance of Discontinuance	195(a) Amendment of Marriage License
174 In-State Deposition for Foreign	(Maricopa County Filings Only)
Jurisdiction	195(b) Amendment of Birth Certificate
176 Eminent Domain– Light Rail Only*	200 Application/Motion Objecting to Foreign
177 Interpleader– Automobile Only*	Subpoena
178 Delayed Birth Certificate (A.R.S. §36-	163 Other*
333.03)	(Specify)
183 Employment Dispute – Discrimination*	
185 Employment Dispute – Other*	
198 Verified Rule 27(a) Petition*	
EMERGENCY O	RDER SOUGHT

Temporary Restraining Order	Provisional Remedy	OSC	Election Challenge
Employer Sanction	Other (Specify)		

#### **COMMERCIAL COURT (Maricopa County Only)**

This case is eligible for the Commercial Court under Rule 8.1, and Plaintiff requests assignment of this case to the Commercial Court. More information on the Commercial Court, including the most recent forms, are available on the Court's website at: <u>https://www.superiorcourt.maricopa.gov/commercial-court/</u>.

Additional Plaintiff(s):

Additional Defendant(s):

Person Filing:	
Address (if not protected):	
City, State, Zip Code:	
Telephone:	
Email Address:	
Lawyer's Bar Number:	
	yer, or 🗌 Attorney for 🗌 State OR 🗌 Defendant
	IOR COURT OF ARIZONA MARICOPA COUNTY
STATE OF ARIZONA	Case Number:
-VS-	PETITION TO SEAL CRIMINAL CASE
	RECORDS
	(A.R.S. § 13-911)
Defendant (FIRST, MI, LAST)	
	Amended (corrected) petition Select if you are amending an existing petition. Include
	existing case number above. OR <u>if no charges</u> were filed:
In Re the Matter of:	
Name (FIRST, MI, LAST)	

Read A.R.S. § 13-911 in its entirety before completing this petition. This petition is intended to help those who are seeking to seal a criminal case record under A.R.S. § 13-911 and refers solely to the records that exist under the control of the courts, Department of Public Safety, prosecutor's offices and law enforcement agencies. Any case record that was published or distributed prior to sealing may still be accessible and may not be impacted by the granting of an order to seal case records.

NOTE: Items marked with an asterisk (\*) are required fields.

Pursuant to A.R.S. § 13-911, Petitioner hereby petitions the court to order the sealing of the following criminal case records related to Petitioner, as indicated in this petition. (Check only those that apply)



Arrest records of an arrest occurring on or about \_\_\_\_\_ [insert date] by the following law enforcement agency:



All records relating to the eligible charge(s) in court case number:

As grounds for this petition, Petitioner states as follows:

#### SECTION I. CASE RECORDS RELATED TO A CRIMINAL OFFENSE

#### 1. PETITIONER'S INFORMATION (required)\*

- a. Petitioner's name:\*
- b. Petitioner's address:\*
- c. Date of birth:\*
- d. Email address:\*
- e. Name at the time of arrest, if not the same as above:\*

#### 2. CASE RECORD INFORMATION (required)\*

- a. What were you charged with or the offense for which you were arrested if no charges were filed:
- b. Court that adjudicated the charge(s) or if charges were not filed, the court that would have adjudicated the charge(s):
- c. Court case number if charge(s) were filed:
  - 1. Count I:\_\_\_\_\_
  - 2. Count II: \_\_\_\_\_
  - 3. Count III: \_\_\_\_\_
  - 4. Count IV: \_\_\_\_\_

Additional counts continue on a separate page

d. If no charges were filed, did you have an initial appearance? Yes No.

If you marked "yes," was your initial appearance in this court? Yes No. IMPORTANT: If no charges were filed but you had an initial appearance, you MUST file in the court where you had your initial appearance. If you were arrested but no

file in the court where you had your initial appearance. If you were arrested but no initial appearance was held, you must file in the superior court in the county where you were arrested.

#### 3. ADDITIONAL CASE RECORD INFORMATION (if known)

- a. Location of arrest:
- b. Name of the arresting agency: \_\_\_\_\_
- c. Date of arrest:
- d. Name of the prosecuting agency if charges were filed:
- e. Name of the justice court and the justice court case number if the case was initially filed in a justice court but was transferred to the superior court.

#### 4. DESCRIBE YOUR SITUATION (required)\*

You must check at least one box that applies to your situation.
---

- I was arrested for a criminal offense and no charges were filed. If checked, please go to Section III.
- I was charged with one or more criminal offenses and the charge(s) were subsequently dismissed or resulted in a not guilty verdict at trial. A dismissal or not guilty verdict was entered on \_\_\_\_\_.

I was charged with a criminal offense and a judgment of guilt was entered on

#### SECTION II. SENTENCE COMPLIANCE

- 1. I have satisfied all required monetary terms of the sentence, including outstanding fines, fees, restitution, or other court-ordered financial obligations.\* Yes No N/A.
- 2. I have completed all other terms of the sentence, such as incarceration, probation, employment, classes, drug/alcohol testing, or other requirements.\* Yes No N/A.
- I have received an absolute discharge from the Arizona Department of Corrections.\*
   Yes No N/A. (If you checked "yes," it is strongly encouraged that you attach a certificate of absolute discharge.)
- 4. I have been discharged from probation.\* Yes No N/A. (If you checked "yes," it is strongly encouraged that you attach a copy of your order of discharge.)

You cannot file this petition if you checked "No" to question 1, 2, 3, or 4 above.

#### SECTION III. PRIOR SEALING OF RECORD(S)

1. Have you previously filed a petition to seal case records under A.R.S. § 13-911 in this case? Yes No

If yes, what was the date of your last petition?

2. Have you had case records sealed under ARS §13-911 in a previous case?

Yes No

If yes, what was the date you completed the non-monetary conditions of probation or sentence and were discharged by the court?\_\_\_\_\_

#### SECTION IV. OTHER INFORMATION FOR THE COURT

If you are filing this petition to have a conviction sealed, have you been convicted of any other offenses since the conviction for which you are asking the court to seal records?
 Yes No N/A.

Case Number:

2. Are there any pending charges that you are aware of that have been filed against you?

🗌 Yes 🗌 No 🗌 Unknown

- a. If you have additional pending charges, please provide:
  - i. Jurisdiction:
  - ii. Charges Filed:\_\_\_\_\_
  - iii. Date of the Charges:

3.	Unless the petitioner, prosecutor, or victim requests a hearing, the court may grant or deny
	a petition without a hearing. Do you request a hearing? 🗌 Yes 🗌 No.

- 4. Is there anything else you would like the court to consider regarding this petition?
- 5. Attached is other pertinent documentation (non-originals). List attached documents:

#### DECLARATIONS AND ACKNOWLEDGMENTS

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

I understand that this petition may be dismissed if the information I have provided is insufficient. I also understand that this petition may be denied if information in this petition is found to be inaccurate.

Date

Petitioner / Petitioner's Attorney Signature Printed Name:

Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

#### NOTICE

You must notify the court of any new charges that are filed against you after this petition is filed, regardless of state or jurisdiction.

If you filed an appeal from a limited jurisdiction court regarding the charges that you seek to have sealed, you must also file a petition in superior court if you want those records sealed.