REDUCE A FINALIZED CLASS 4, 5, OR 6 FELONY TO A CLASS 1 MISDEMEANOR

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Forms and Instructions

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CRDFM1 – **5440** – 102626

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Application to reduce a Finalized Class 4, 5, or 6 felony to a Class 1 misdemeanor

Checklist

You may use these forms if all of the following apply to your case:

- ✓ The Class 4, 5, or 6 felony conviction was finalized as a felony at least 5 years before submitting this application.
- ✓ At least 5 years have passed since you completed your sentence, and you have not been convicted of a misdemeanor offense involving a victim or a felony offence (including a conviction under federal law) since you completed your sentence.
- ✓ You have not previously been convicted of any felony offense in Arizona or any other state, including a conviction under federal law.
- ✓ You have completed all terms and conditions imposed by the court for the conviction, including full payment of all monetary obligations, including restitution if applicable.
- ✓ The conviction did not involve a dangerous offense as defined in A.R.S. § 13-105.
- ✓ The conviction was not for a violation of A.R.S. §§ 13-2910, 13-3102, or 13-3821.
- ✓ The offense did not involve a victim.

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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.

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Application to reduce a Finalized Class 4, 5, or 6 felony to a Class 1 misdemeanor

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This packet contains court forms and instructions to file for Application to reduce a finalized class 4, 5, or 6 felony to a class 1 misdemeanor. Items in **bold** are forms that you will need to file with the Court. Non-bold items are instructions or procedures. Do not copy or file those pages!

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Instructions for completing an Application to Designate a Felony Conviction as a Class 1 Misdemeanor Conviction under A.R.S. § 13-604.01

(The application form may be found online at: www.azcourts.gov/selfservicecenter/Forms)

Please read A.R.S. § 13-604.01, Supreme Court Administrative Order No. 2026-136, and the following before completing the application form.

A. Who can use the application form:

You may file an application to ask the court to designate your felony conviction as a class 1 misdemeanor conviction if ALL of the following apply:

- The conviction is for a class 4, 5, or 6 felony not involving a dangerous offense.
- The conviction was not for a violation of A.R.S. §§ 13-2910, 13-3102, or 13-3821.
- The offense did not involve a victim.
- You have not previously been convicted of any felony offense in Arizona or any other state, including a conviction under federal law.
- You have completed all terms and conditions imposed by the court for the conviction, including full payment of all monetary obligations, including restitution if applicable.
- At least 5 years have passed since you completed your sentence, and you have not been convicted, in Arizona or any other state, including a conviction under federal law, of a subsequent misdemeanor offense involving a victim or a subsequent felony offense during that time.

B. Where to file your application:

You must file your application in the court that sentenced you.

C. Required information:

To complete the application, you must, at a minimum, provide the court with the following information as required by Supreme Court Administrative Order No. 2026-136.

- Your name, address, date of birth, email address, and signature.
- The offense for which you were convicted and which you are requesting the court to designate as a class 1 misdemeanor conviction; the place and date of conviction; the court case number for the conviction; and the name of the prosecuting agency, if known.
- Whether the offense involved a victim.
- Whether you have completed the conditions of your probation or sentence for the offense.

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- Whether there are any outstanding fines, fees, or other court-ordered financial obligations for the offense, including restitution if applicable.
- Whether you have previously been convicted of any felony offense in Arizona or any other state, including a conviction under federal law.
- Whether, within the 5 years from the date of completion of your sentence, you have been convicted, in Arizona or any other state, including a conviction under federal law, of a misdemeanor offense involving a victim or a felony offense.
- Whether you are requesting a hearing.
- The relief you are requesting.

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

- Department of Public Safety: https://www.azdps.gov/services/public/records/criminal
- Arizona Judicial Branch's Public Access to Court Case Information: https://apps.azcourts.gov/publicaccess

D. Complete the application 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 application.
- Below, fill in the caption as it appears in the case for which you are asking the court to designate your class 4, 5, or 6 felony conviction as a class 1 misdemeanor conviction.
- If you are filing a subsequent application because you previously filed an application, relief was denied, and you are submitting your request again, please check the Subsequent Application - Relief Previously Denied box located in the right side of the caption.

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Section I. Defendant's information:

- Enter your name, address, date of birth, and email address.
- Enter any name you used at the time of conviction, if different from your current name.

Section II. Eligibility and sentence completion information:

Answer questions 1 through 11 relating to the felony offense for which you were convicted and that you are asking the court to designate as a class 1 misdemeanor conviction.

1. Check "Yes" or "No" regarding whether the offense involved a dangerous offense.
2. Check "Yes" or "No" regarding whether the conviction is for a class 1, 2, or 3 felony.
3. Check "Yes" or "No" regarding whether the conviction is for a violation of A.R.S. §§ 13-2910, 13-3102, or 13-3821.

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4. Check "Yes" or "No" regarding whether the offense involved a victim.
5. Check "Yes" or "No" regarding whether, prior to this conviction, you were convicted of any other felony in Arizona or any other state, including any conviction under federal law.

If you checked "Yes" to #1, #2, #3, #4, or #5 above, you are not eligible to have your felony conviction designated as a class 1 misdemeanor and cannot file this application for the conviction.

6. Check "Yes," "No," or "N/A" regarding whether you paid all monetary obligations in full, including fines, fees, other court-ordered financial obligations, and restitution if applicable. If no monetary terms were ordered, check "N/A."
7. Check "Yes," "No," or "N/A" regarding whether you have completed all other terms and conditions of the sentence, such as incarceration, probation, employment, classes, drug/alcohol testing, or other requirements. If no other terms were ordered, check "N/A."
8. Check "Yes," "No," or "N/A" regarding whether you have been discharged from probation. If you check "Yes," attach a copy of your order of discharge if it is available. If you were not ordered to a term of probation, check "N/A."
9. Check "Yes," "No," or "N/A" regarding whether you have received an absolute discharge from the Arizona Department of Corrections, Rehabilitation, and Reentry. If you check "Yes," attach a certificate of absolute discharge if it is available. If you were not sentenced to a term of imprisonment, check "N/A."
10. Check "Yes" or "No" regarding whether at least 5 years passed since you completed your sentence.

If you checked "No" to #6, #7, #8, #9, or #10 above, you are not eligible to have your felony conviction designated as a class 1 misdemeanor and cannot file this application for the conviction.

11. Check "Yes" or "No" regarding whether, since the date you completed your sentence, you have been convicted in Arizona or any other state, including a conviction under federal law, of a misdemeanor offense involving a victim or a felony offense. If you check "Yes," provide information relating to the conviction, including the counts, classification of the offense, statutory citation, conviction date, offense date, and the court where you were convicted.

Section III. Conviction information:

1. In the first box, enter the date you were convicted of the eligible felony offense(s). In the second box, enter the date the offense(s) was committed.
2. Provide the count number, classification, statutory citation, and description for the felony conviction(s). List only the eligible convictions for which you are asking the court to designate as a class 1 misdemeanor conviction.

NOTE: The court may grant or deny your request to redesignate any conviction listed.

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Section IV. Other information for the court:

1. Check "Yes" or "No" regarding whether you have previously applied to request that the court designate this felony conviction as a class 1 misdemeanor conviction. If you check "Yes," provide both of the following:
   a. The date your last application was filed; AND
   b. An explanation of what has changed since your last application that may now support granting relief.
2. Although a hearing is not required for the court to make a ruling, a hearing may be held if requested by you or the prosecutor, or on the court's own motion. Indicate whether you are requesting a hearing.
3. Include any details that you want the court to take into consideration when reviewing your application.
4. List and attach copies of any other pertinent documentation. Do not include any originals.

Declaration and acknowledgements:

Read the Declaration and Acknowledgments. Make sure you understand this section and do not have any questions. If you agree with these statements, sign, date, and print your name on the application.

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Procedures: How to file the forms to have your Class 4, 5, or 6 felony designated as a Class 1 misdemeanor

Step 1: Complete the Application and the Order (except for the Judicial Officer's signature), and:

- Make 3 copies of the Application, and
- Make 2 copies of the Order,

Step 2: Prepare 2 envelopes, including postage: (if applicable* – see below)

- Address one to the Maricopa County Attorney's Office or the agency that prosecuted you.
- Address one envelope to yourself (if you want the Court to mail the decision to you).

* If hand-delivering to the Maricopa County Attorney's Office you may simply deliver the Application without envelope (or in an envelope without postage).

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Step 3: Go to the Clerk of Superior Court filing counter to file your papers. The court is open from 8am-5pm, Monday-Friday. You may file your papers at any of the following Superior Court locations:

Central Court Building
201 W. Jefferson
Phoenix, AZ 85003

Southeast Court Facility
222 E Javelina Ave, 1st Floor
Mesa, AZ 85210

Northwest Regional Court Facility
14264 W Tierra Buena Lane
Surprise, AZ 85374

Northeast Regional Court Facility
18380 N 40th Street
Phoenix, AZ 85032

Give all four of the forms to the Clerk at the filing counter. There is no fee for filing this application. The clerk will stamp the original and copies, keep the original, and return the copies to you.

- One copy is for the Maricopa County Attorney's office. Hand-deliver or insert Application in envelope and mail.
- One copy is for the Judicial Officer assigned to your case.
- One copy is for you to keep for your records.

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Step 4: Go to Criminal Court Administration (ask filing counter for location). Deliver to the in-box of the Judicial Officer assigned to your case:

- 1 copy of the Application,
- 2 copies of the Order, and
- The self-addressed stamped envelope addressed back to you.

If you do not know which Judicial Officer is currently assigned to your case, you may call Criminal Court Administration at (602) 506-8575 or ask the person at the Administration counter for help.

Alternatively, you may mail the above to: Criminal Court Administration, 201 W. Jefferson Street, Phoenix, AZ 85003

Step 5: Mail or deliver 1 copy of the Application to the agency that prosecuted your case, either the:

Maricopa County Attorney 225 West Madison Street Phoenix, Arizona 85003	Or	Arizona Attorney General's Office 2005 North Central Avenue Phoenix, Arizona 85004

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What next? Wait. There is no specific time limit for the Judicial Officer to rule on your request.

- If you have not received a copy of the Court's Order (if you provided an envelope), or

- If no decision has been posted in the Clerk of Superior Court's Electronic Court Records (ECR) within 30 business days, you may inquire with the Judicial Assistant of the assigned Judicial Officer or contact Criminal Court Administration for an update.

- You may register for free access to your online electronic court records at:

https://ecr.clerkofcourt.maricopa.gov/login.aspx

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Person Filing: _____

Address (if not protected): _____

City, State, Zip Code: _____

Telephone: _____

Email Address: _____

Lawyer's Bar Number: _____

For Clerk's Use Only

Representing ☐ Self, without a Lawyer OR ☐ Attorney for ☐ State OR ☐ Defendant

SUPERIOR COURT OF ARIZONA
IN MARICOPA COUNTY

STATE OF ARIZONA,
Plaintiff
v.

_____
Defendant (First, MI, Last)

Case Number: _____

APPLICATION TO DESIGNATE A FELONY CONVICTION AS A CLASS 1 MISDEMEANOR CONVICTION (A.R.S. § 13-604.01)

☐ Subsequent Application – Relief Previously Denied
(Select if you previously filed an application for the conviction, relief was denied, and you are submitting your request again)

Applicant is:
☐ Defendant
☐ Attorney for Defendant

Pursuant to A.R.S. § 13-604.01 and Supreme Court Administrative Order No. 2026-136, Defendant hereby applies to the court to designate Defendant's class 4, 5, or 6 felony conviction as a class 1 misdemeanor conviction as indicated in this application. Answers to the questions in this application relate to the felony conviction Defendant is requesting that the court designate as a class 1 misdemeanor.

SECTION I. DEFENDANT INFORMATION

Defendant's Name: _____

Defendant's Address: _____

Date of Birth: _____

Email: _____

Name at the time of conviction, if not the same as above:

_____

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Case No._____

SECTION II. ELEGIBILITY AND SENTENCE COMPLETION INFORMATION

1. Did the felony involve a dangerous offense (A.R.S. §§ 13-105 and 13-704)?
   a. ☐ Yes b. ☐ No

2. Is your felony conviction for a class 1, 2, or 3 felony?
   a. ☐ Yes b. ☐ No

3. Is your felony conviction for a violation of A.R.S. §§ 13-2910, 13-3102, or 13-3821?
   a. ☐ Yes b. ☐ No

4. Did your offense involve a victim?
   a. ☐ Yes b. ☐ No

5. Prior to this conviction, were you convicted of any other felony in Arizona or any other state, including any conviction under federal law?
   a. ☐ Yes b. ☐ No

STOP: You cannot file this application if you answered "Yes" to questions 1, 2, 3, 4, or 5.

6. Have you paid all monetary obligations in full, including fines, fees, other court-ordered financial obligations, and restitution if applicable?
   a. ☐ Yes b. ☐ No c. ☐ N/A. There were no monetary terms ordered.

7. Have you completed all other terms and conditions of the sentence, such as incarceration, probation, employment, classes, drug/alcohol testing, or other requirements?
   a. ☐ Yes b. ☐ No c. ☐ N/A. There were no other terms ordered.

8. If you were ordered to a term of probation, have you been discharged from probation?
   a. ☐ Yes. The probation department's order discharging me from probation is attached to this application, if available.
   b. ☐ No
   c. ☐ N/A. I was not ordered to a term of probation.

9. If you were sentenced to a term of imprisonment, have you received an absolute discharge from imprisonment from the Arizona Department of Corrections, Rehabilitation, and Reentry (ADCRR)?
   a. ☐ Yes. I received an absolute discharge from imprisonment from the ADCRR AND have attached a copy of the Certificate of Absolute Discharge from Imprisonment to this application, if available.
   b. ☐ No
   c. ☐ N/A. I was not sentenced to ADCRR.

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10. Have at least 5 years passed since you completed your sentence?

    a. ☐ Yes b. ☐ No

STOP: You cannot file this application if you answered "No" to questions 6, 7, 8, 9, or 10.

11. Since the date of the completion of your sentence, have you been convicted in Arizona or any other state, including a conviction under federal law, of a misdemeanor offense involving a victim or a felony offense?

    a. ☐ Yes b. ☐ No

    If yes, provide the following information:

Count	Classification	A.R.S./Other	Conviction Date	Offense Date

☐ Additional counts continue on a separate page.

Name of Court where you were convicted: _____

SECTION III. CONVICTION INFORMATION

1. A Judgment of Guilt was entered by this court against the defendant on _____ (date) for the following eligible offenses committed on _____ (date) on the conviction of:

   (List eligible convictions only. The court may grant or deny redesignation of any conviction listed)

Count	Classification	A.R.S. §	Description

☐ Additional counts continue on a separate page.

2. Name of prosecuting agency, if known: _____

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SECTION IV. OTHER INFORMATION FOR THE COURT

1. Have you previously applied to request that the court designate this felony conviction as a class 1 misdemeanor conviction?
   a. ☐ Yes. The date of my last application was: _____ (date)
   b. ☐ No

   If you answered "Yes," explain what has changed since the prior application that may now support granting relief:

2. The court may rule on your application without a hearing unless you or the prosecutor request one. Do you request a hearing?
   a. ☐ Yes
   b. ☐ No

3. Is there anything else you would like the court to consider regarding this application?

4. ☐ Attached is other pertinent documentation (non-originals). List attached documents:

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Case No. _____

This signature page belongs to the form titled "Application to designate a felony conviction as a class 1 misdemeanor conviction" and cannot be used with any other documents.

DECLARATIONS AND ACKNOWLEDGMENTS

I understand that this application may be denied if information in this application is found to be inaccurate.

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

_____ _____

Defendant's Signature Date

_____

Defendant's Printed Name

OR

AUTHORIZATION TO PROCEED ON BEHALF OF DEFENDANT

I authorize _____ ☐ Attorney to apply to the Superior Court in Maricopa County, to take the above-indicated action.

_____ _____

Defendant's Signature Date

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SUPERIOR COURT OF ARIZONA
IN MARICOPA COUNTY

STATE OF ARIZONA,
Plaintiff

v.

_____
Defendant (First, MI, Last)

Date of birth: _____

Case No: _____

ORDER TO DESIGNATE A FELONY CONVICTION AS A CLASS 1 MISDEMEANOR CONVICTION
(A.R.S. § 13-604.01)

SECTION I. COURT FINDINGS

Based upon the information presented to the Court, THE COURT FINDS THAT: (only those items marked)

1. ☐ The prosecutor has received a copy of the Application to Designate a Felony Conviction as a Class 1 Misdemeanor Conviction.
2. ☐ The defendant has met all statutory requirements for designating the felony conviction as a class 1 misdemeanor conviction.
3. ☐ Entering the judgment of conviction for a class 1 misdemeanor is in the interest of justice.
4. ☐ The defendant has not met all the statutory requirements for designating the felony conviction as a class 1 misdemeanor because:
   a. ☐ the felony for which the defendant was convicted involved a dangerous offense (A.R.S. §§ 13-105, 13-704).
   b. ☐ the conviction was for a class 1, 2, or 3 felony or a violation of A.R.S. §§ 13-2910, 13-3102, or 13-3821.
   c. ☐ the offense involved a victim.
   d. ☐ The defendant has previously been convicted of a felony offense in Arizona or another state.
   e. ☐ The defendant has not completed all terms and conditions of the sentence imposed by the court for the conviction.

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f. ☐ It has been less than 5 years since the defendant completed the sentence for the conviction.

g. ☐ The defendant is ineligible under A.R.S. § 13-604.01(A)(4) based on conviction in Arizona or another state, of a subsequent misdemeanor offense involving a victim or subsequent felony offense.

5. ☐ Other:

_____

_____

_____

SECTION II. COURT ORDER

IT IS ORDERED:

1. ☐ DENYING the Application to Designate Felony Conviction as Class 1 Misdemeanor Conviction because:

a. ☐ the defendant has not met all statutory requirements for the application.
b. ☐ it is not in the interest of justice.
c. ☐ other reasons:

_____

_____

_____

2. ☐ GRANTING the defendant's application and entering the judgment of conviction for a class 1 misdemeanor for the following felony conviction(s):

Count	A.R.S. §	Conviction Date	Offense Date

Done in open court this ___ day of _____, 20___,

_____
Judicial Officer

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Case No._____

CLERKS USE ONLY

☐ A copy of this order was transmitted to the defendant and the prosecutor.

☐ A copy of the application, this order, and the original disposition of the charges were transmitted to the Department of Public Safety.

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