

# INSTRUCTIONS FOR COMPLETING A PETITION TO SEAL CRIMINAL CASE RECORDS PURSUANT TO ARS SECTION 13-911

(The petition form may be found online at: <https://www.mohavecourts.com/forms-and-form-kits>)

*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

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

## **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, you must change the caption to read “In Re Matter of: [Your Full Name]”.

## **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).

### **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)

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 checked “No” to #1, #2 or #3 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 and the court denied the petition, you must wait 3 years from the date of the denial to refile the petition.

### SECTION IV. OTHER INFORMATION FOR THE COURT

1. Include any details that you want the court to take into consideration when reviewing your petition.
2. List and attach copies of any other pertinent documentation. Do not include any originals.

**DECLARATION**

Read the DECLARATION and make sure you understand it and do not have any questions. If you agree with the statement, sign and date the petition and provide your address below the signature line.

**REQUESTING A HEARING**

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. Keep in mind that **you cannot request a hearing after the court rules on your petition**—you must make the request beforehand.

**APPEAL**

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.