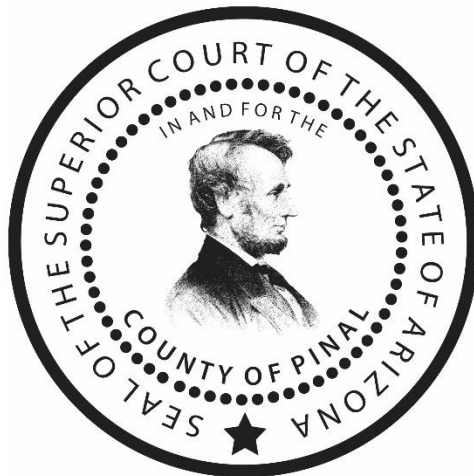


**PETITION TO EXPUNGE
MARIJUANA-RELATED
OFFENSE RECORDS AND
RESTORE CIVIL RIGHTS,
INCLUDING FIREARM
RIGHTS**



**FOR EXPUNGEMENT OF LAW
ENFORCEMENT RECORDS IN
PINAL COUNTY**

INSTRUCTIONS AND FORMS

Provided as a Public Service by

REBECCA PADILLA

Clerk of the Superior Court

INSTRUCTIONS FOR COMPLETING A PETITION TO EXPUNGE MARIJUANA-RELATED OFFENSE RECORDS PURSUANT TO A.R.S. SECTION 36-2862.

Please read the following before completing the petition form.

WHO CAN USE THE PETITION FORM:

You may seek expungement of your marijuana-related criminal records by filing the petition form, if you were arrested and never charged of any of the following offenses:

1. Possessing, consuming, or transporting *two and one-half ounces or less* of marijuana*, of which not more than twelve and one-half grams was in the form of marijuana concentrate.
2. Possessing, transporting, cultivating, or processing *not more than six marijuana* plants* at your primary residence for personal use.
3. Possessing, using, or transporting *paraphernalia* related to the cultivation, manufacture, processing, or consumption of marijuana.*

WHERE TO FILE YOUR PETITION:

If your arrest did not go to court and you simply want the law enforcement records expunged, you must file your petition in the **Superior Court for the county where the arrest took place.**

Visit our website for office locations or feel free to give us a call.

Contact Information for all Offices

Toll Free: 888.431.1311 • Local: 520.509.3555 • 520.866.5320

www.coscpinalcountyaz.gov/office.html

REQUIRED INFORMATION:

To complete the petition, you must, at a minimum, provide the court with the following information as required by Rule 36, Arizona Rules of Criminal Procedure:

- Your name, address, date of birth, and email address, if you have an email address;
- Any name you used at the time of arrest or charge, if different from your current name;
- A description of the offense for which you are seeking expungement as stated on the petition form;
- The name of the law enforcement agency that arrested you for the marijuana-related offense

Failure to provide enough details about the records you want to have expunged may result in the court dismissing your petition. If that occurs, you may file a new petition with additional details about your records. The arresting agency cannot expunge your records if you do not identify the arresting agency.

If you are uncertain if a court case was filed against you, you may find information on the Supreme

Court's case lookup website ([Public Access Case Lookup \(az.gov\)](http://Public Access Case Lookup (az.gov))). In addition, the Federal Bureau of Investigation (<https://www.fbi.gov/services/cjis/identity-history-summary-checks>) or the Arizona Department of Public Safety (<https://www.azdps.gov/services/public/records/criminal>) may assist you.

TYPE OR PRINT NEATLY USING BLACK INK. FILL OUT ALL FIELDS REQUIRED BY PETITION. PROVIDE ANY OPTIONAL INFORMATION KNOWN TO YOU:

STEP 1: FILL OUT PETITION AND COVERSHEET

PETITION

- At the top of the first page, type or print the name, mailing address, email address, and phone numbers of the person filing this form.
- Print your first name, middle initial, last name, and date of birth above the line for Defendant.
- Fill in the other blanks and check boxes with the information requested.
- Date and sign your name and provide the contact information requested below the signature line.

COVERSHEET

- Type or print your name and address in the section reserved for the Petitioners information
- Under the NATURE OF ACTION, select *Expungement*

STEP 2: TAKE ORIGINAL AND ONE SET OF COPIES TO THE CLERK TO BE FILED

- No fee required to file

STEP 3: WAIT FOR THE COURT TO GRANT, DENY OR SET FOR HEARING VIA COURT ORDER BY MAIL

Person Filing: _____
Address (if not protected): _____
City, State, Zip Code: _____
Telephone: _____
Email Address (Required): _____
Lawyer's Bar Number: _____

Representing Self, without a Lawyer or Represented by Attorney

**SUPERIOR COURT OF ARIZONA
PINAL COUNTY**

State of Arizona

Case Number : CV2

vs.

**Petition to Expunge Marijuana-Related Offense
Records and Restore Civil Rights, Including
Firearm Rights, Pursuant to ARS § 36-2862**

Defendant

HONORABLE: _____

Date of Birth: _____

The above-named Petitioner, pursuant to ARS § 36-2862, hereby requests that the Court order expungement of Petitioner's criminal history records. As grounds for this petition, Petitioner states as follows:

A. REQUIRED INFORMATION

1. Eligible Charge. I hereby request that the law enforcement and court records for the following offense, eligible under ARS § 36-2862, be expunged (*choose from the following; if you had more than one eligible offense under more than one case number, file a separate petition for each offense*):

Possessing, consuming, or transporting two and one-half ounces or less of marijuana, of which not more than twelve and one-half grams was in the form of marijuana concentrate.

Possessing, transporting, cultivating, or processing not more than six marijuana plants at my primary residence for personal use.

Possessing, using, or transporting paraphernalia related to the cultivation, manufacture, processing, or consumption of marijuana.

2. Name of citing or arresting law enforcement agency: _____.

3. Superior court case number: _____.

4. My name at the time of arrest was (*if different*): _____.

B. ADDITIONAL INFORMATION RELATED TO THE ELIGIBLE CHARGE(S)

(Complete all fields known to you)

- 1. I was arrested on [insert date]: _____.
- 2. My court case began in a Justice Court [] **Yes** [] **No**. If Yes, insert name of Justice Court here: _____, and the Justice Court case number here: _____.
- 3. Name of prosecuting agency: _____.
- 4. I was convicted of the offense [] **Yes** [] **No**. If Yes, insert date of conviction here: _____.
- 5. One or more non-eligible charges were filed against me in this same case [] **Yes** [] **No**.
- 6. My sentence included a term of probation [] **Yes** [] **No**.
- 7. My case was dismissed [] **Yes** [] **No**. If Yes, insert date of dismissal here: _____.
- 8. There is an outstanding arrest warrant in this case [] **Yes** [] **No**.
- 9. There is an active payment plan on my case [] **Yes** [] **No**.

C. SUPPORTING DOCUMENTATION (Optional)

Attached is documentation that supports my petition *(The court may find it helpful to have documents that support your request for expungement, for example, the complaint against you, judgment and sentencing order, payment plan, or any other official document showing a superior court case number, crime lab report showing weight of marijuana seized; or DPS or FBI case extract. However, you are not required to provide any supporting documents):*

D. HEARING REQUEST

I understand that I can request a hearing on my petition, but the court may choose to proceed without a hearing. I hereby request a hearing [] **Yes** [] **No**.

E. ACKNOWLEDGEMENT REGARDING RESTORATION OF FIREARM RIGHTS

I understand that even if I am granted restoration of my civil rights, including firearm rights pursuant to this petition, I may still be prohibited from having my civil rights restored or the right to possess and carry a firearm under other state or federal laws.

DECLARATION

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.

(Petitioner's Signature)

(Date)

(Petitioner's Mailing Address)

(Petitioner's Email Address)

(Petitioner's Phone Number)

To the best of my knowledge, the information provided in this petition is true and correct.

(Attorney's name printed)

(Attorney's signature)

(Attorney's Bar Number)

(Attorney's Mailing Address)

(Attorney's Phone Number and Email Address)

**In the Superior Court of the State of Arizona
In and For the County of Pinal**

Case Number CV2

CIVIL COVER SHEET- NEW FILING ONLY
(Please Type or Print)

Petitioner's Attorney _____

Attorney Bar Number _____

Petitioner's Name:

Petitioner's Address:

Defendant's Name(s): (List All)

(List additional defendants on page two and/or attach a separate sheet)

RULE 26.2 DISCOVERY TIER OR MONETARY RELIEF CLAIMED:

IMPORTANT: Any case category that has an asterisk (*) MUST have a dollar amount claimed or Tier selected. State the monetary amount in controversy or place an "X" next to the discovery tier to which the pleadings allege the case would belong under Rule 26.2.

Amount Claimed \$ _____ Tier 1 Tier 2 Tier 3

NATURE OF ACTION

Place an "X" next to the **one** case category that most accurately describes your primary case. **Any case category that has an asterisk (*) MUST have a dollar amount claimed or Tier selected as indicated above.**

TORT MOTOR VEHICLE:

- Non-Death/Personal Injury*
- Property Damage*
- Wrongful Death*

- Premises Liability*
- Slander/Libel/Defamation*
- Other (Specify) _____*

TORT NON-MOTOR VEHICLE:

- Negligence*
- Product Liability – Asbestos*
- Product Liability – Tobacco*
- Product Liability – Toxic/Other*
- Intentional Tort*
- Property Damage*
- Legal Malpractice*
- Malpractice – Other professional*

MEDICAL MALPRACTICE:

- Physician M.D.* Hospital*
- Physician D.O.* Other*

CONTRACTS:

- Account (Open or Stated)*
- Promissory Note*
- Foreclosure*
- Buyer-Plaintiff*
- Fraud*

- Other Contract (e.g., Breach of Contract)*
- Excess Proceeds – Sale*
- Construction Defects (Residential/Commercial)*
 - Six to Nineteen Structures*
 - Twenty or More Structures*
- Credit Card Debt (Maricopa County Filings Only)*

OTHER CIVIL CASE TYPES:

- Eminent Domain/Condemnation*
- Eviction Actions (Forcible and Special Detainers)*
- Change of Name
- Transcript of Judgment
- Foreign Judgment
- Quiet Title*
- Forfeiture*
- Election Challenge
- NCC – Employer Sanction Action (A.R.S. §23-212)*
- Injunction against Workplace Harassment
- Injunction against Harassment
- Civil Penalty
- Water Rights (Not General Stream Adjudication)*
- Real Property*
- Special Action against Lower Courts
(See lower court appeal cover sheet in Maricopa)
- Immigration Enforcement Challenge (A.R.S. §§1-501, 1-502, 11-1051)
- Expungement

UNCLASSIFIED CIVIL:

- Administrative Review
(See lower court appeal cover sheet in Maricopa)
- Tax Appeal
(All other tax matters must be filed in the AZ Tax Court)
- Declaratory Judgment
- Habeas Corpus
- Landlord Tenant Dispute – Other*
- Declaration of Factual Innocence (A.R.S. §12-771)
- Declaration of Factual Improper Party Status
- Vulnerable Adult (A.R.S. §46-451)*
- Tribal Judgment
- Structured Settlement (A.R.S. §12-2901)
- Attorney Conservatorships (State Bar)
- Unauthorized Practice of Law (State Bar)
- Out-of-State Deposition for Foreign Jurisdiction
- Secure Attendance of Prisoner
- Assurance of Discontinuance
- In-State Deposition for Foreign Jurisdiction
- Eminent Domain – Light Rail Only*
- Interpleader – Automobile Only*
- Delayed Birth Certificate (A.R.S. §36-333.03)
- Employment Dispute – Discrimination*
- Employment Dispute – Other*
- Verified Rule 27(a) Petition*
- Verified Rule 45.2 Petition
- Amendment of Birth Certificate
- Amendment of Marriage License (Maricopa County Filings Only)
- Other (Specify)* _____

EMERGENCY ORDER SOUGHT:

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

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 <https://www.superiorcourt.maricopa.gov/commercial-court/>.

Additional Plaintiff(s)

Additional Defendant(s)
