

In the Nogales Municipal Court
County of Santa Cruz, State of Arizona

777 N. Grand Avenue, Nogales, AZ 85621 • (520) 287-6571 • NogalesCourt@nogalesaz.gov

INSTRUCTIONS: APPLICATION TO SET ASIDE JUDGMENT

Application to Set Aside Conviction (FOR CRIMINAL CONVICTIONS ONLY):

In accordance with Arizona Revised Statute (A.R.S.) §13-905, this application may be submitted to the Court for review of a criminal conviction. The application may be submitted once the person convicted of the criminal offense has fulfilled the conditions of probation or sentence and discharge by the Court. If the Judge grants the application, the judgment of guilt is set aside and reported to the Motor Vehicle Division and/or the Department of Public Safety in accordance with the statute.

Criminal Convictions that are not eligible:

Not all criminal offenses are eligible to be set aside. Examples include: dangerous offenses, offenses which the person is required or ordered by the Court to register pursuant to section 13-3821, offenses which have a finding of sexual motivation pursuant to section 13-118, an offense in which the victim is a minor under fifteen years of age, or an offense in violation of section 28-3473, any local ordinance relating to stopping, standing or operation of a vehicle or Title 28, Chapter 3, except a violation of section 28-693 or any local ordinance relating to the same subject matter as section 28-693. For a complete review of non-eligible charges, please review A.R.S. §13-905(K).

Instructions for filing:

1. Complete all the necessary information on the form.
2. File the form with the Court and provide a copy to the Prosecutor's Office.

If filing by EMAIL:

Attach the completed form and send to NogalesCourt@nogalesaz.gov

Only Word and PDF documents will be accepted. Photos (.jpeg or other photo files) will not be accepted.

If filing by FAX:

Fax the completed form to the Court at (520) 287-2652

If filing by MAIL:

Mail the completed form to The Nogales Municipal Court, 777 N. Grand Avenue, Nogales, AZ 85621

If filing IN PERSON:

Bring the completed form to the Court lobby and wait for a clerk to assist you.

It is the applicant's responsibility to ensure that the Court is in receipt of your filing AND that the Prosecutor's Office receives a copy of your filing. After the opposing party has had an opportunity to review your motion and respond, the Judge will review and rule within 2-3 weeks. All responses will be sent BY MAIL to the address listed on the Application.

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ADDITIONAL INFORMATION:

What does it mean to have a judgment of guilt set aside?

If the Judge sets aside a judgment of guilt, you are released from all penalties and disabilities resulting from the conviction. The penalties and disabilities are any conditions imposed upon you as a result of the conviction, but do not include the terms imposed as part of your sentence.

What a set aside DOES NOT do:

- A set aside DOES NOT erase the conviction from your record. Your record will read that the conviction was set aside.
- A set aside DOES NOT prevent the State from using the conviction in any subsequent criminal proceeding.
- A set aside DOES NOT include the refund of fines. These fines were part of the conditions of your sentence that must be met before a set aside can be granted.
- A set aside DOES NOT prevent ADOT Motor Vehicle Division from revoking or suspending your driver's license or nonresident operating privilege, or from requiring you to attend and successfully complete traffic survival school.
- A set aside DOES NOT mean that you can answer "No" to any direct inquiry re: whether you have ever been convicted. You must answer "Yes" but you may qualify that answer with the information that the conviction was set aside.