



**FOUNTAIN HILLS MUNICIPAL COURT**  
**16705 East Avenue of the Fountains, Fountain Hills, AZ 85268**  
**480-816-5103**

STATE OF ARIZONA	Case No.	<b>APPLICATION TO SET ASIDE JUDGMENT AND ORDER</b>
Vs		
Defendant: _____ DOB: _____		

This Application is made in conformance with the Arizona Revised Statutes §13-905.

Applicant: \_\_\_\_\_ Telephone No. \_\_\_\_\_  
 Address: \_\_\_\_\_

Applicant is the  Defendant  Attorney for Defendant  Other

The Defendant was convicted of the crime(s) of: \_\_\_\_\_  
 on \_\_\_\_\_ in the Fountain Hills Municipal Court and the following sentence was imposed:

The undersigned states that Defendant has fulfilled the conditions of probation or sentence and was discharged by this Court. If the application is sworn to by Defendant's attorney or probation officer, either was authorized to do so as indicated by Defendant's signature below.

Defendant, in connection with the above-captioned case, requests the Court to:

1. Set aside the judgment of guilt.
2. The citation or complaint against the defendant is dismissed.
3. Order that the Defendant be released from all penalties and disabilities resulting from the conviction, EXCEPT that the conviction may be pleaded and proved in any subsequent prosecution of Defendant for any offense as if they judgment of guilt had not been set aside.

Date: \_\_\_\_\_ Applicant: \_\_\_\_\_

Defendant's Authorization: \_\_\_\_\_

**ORDER**

The Court, having received and considered the above Application, and in conformance with A.R.S. § 13-905, **IT IS ORDERED:**

- Granting** the Application and further ordering:
1. That the Defendant's judgment of guilt is set aside.
  2. That the Defendant's citation or complaint against the defendant is dismissed.
  3. That the Defendant be released from all penalties and disabilities resulting from the conviction or plea other than those imposed by the Department of Transportation pursuant to A.R.S. §§ 28-3304, 28-3306, 28-3307 or 28-3308, except that the conviction may be pleaded and proved in any subsequent prosecution of the defendant for any offense as if the judgment of guilt had not been set aside.

**Denying** the Application for the following reasons:  Ineligible offense  Conditions of probation or sentence not completed  Other

\_\_\_\_\_  
 Date Judge



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STATE OF ARIZONA  Vs  _____ Defendant DOB: _____	Case No.	<b>NOTICE TO THE DEFENDANT: APPLICATION TO SET ASIDE JUDGMENT AND ORDER</b>
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In accordance with Arizona Revised Statute (A.R.S.) §13-905, an application may be submitted to the Court to request judgment of guilt be set aside upon completion of all conditions of probation or sentencing imposed by the Court. You, your attorney, or probation officer, if applicable, may apply on your behalf. If you are convicted of multiple offenses, individual submissions must occur for each case and with each charge being addressed individually. Not all criminal offenses are eligible to be set aside.

You may obtain the application to set aside judgment form in person or online. The application must be submitted on the appropriate form and completed in its entirety to be considered. The form may be submitted in person, though mail, email, or online at [fh.az.gov/court](http://fh.az.gov/court) under application to set aside judgment. Internet Explorer must be utilized if submitting online through the website. If Internet Explorer is not used the form may be filled out after being saved to a computer. Once the form is filled out it can be sent through email to [fountainhillscourt@courts.az.gov](mailto:fountainhillscourt@courts.az.gov) as an attachment. It is the applicant's responsibility to ensure the Prosecutor receives a copy of your filing. If a copy is being submitted through email, a copy can be sent to the Prosecutor through [townprosecutor@gmail.com](mailto:townprosecutor@gmail.com). The Prosecutor's mailing address is: Mark Iacovino Fountain Hills Town Prosecutor, 10105 E Via Linda, #103-346, Scottsdale, AZ 85258.

The State and victim may file a response which may oppose your motion. After the opposing party has had an opportunity to review your motion and response, the Judge will review the file and make a decision. If necessary, a hearing may be conducted prior to a decision being made. If your application is denied, you may file a new application after satisfying all reasons stated for the denial, unless the charge is ineligible to be set aside based on A.R.S. §13-905K.

An application will not be granted unless the form is filled out in its entirety and all requirements of the sentence have been satisfied. Granting an application to set aside judgment does not mean your arrest or conviction will be expunged, sealed, or destroyed. The charge for which you seek the request to set aside may still be used in any subsequent prosecution by the State or any of its subdivisions. Granting an application to set aside judgment will not affect your driver license record.

In accordance with the Arizona Code of Judicial Administration, the court is required to follow a Records Retention and Disposition Schedule (Section 4-302). Once the records are purged from the Court, it is the defendant's responsibility to obtain the proper documentation to submit along with an application to set aside to be reviewed by the Court. The Arizona Department of Public Safety maintains Criminal History Records. Contact information for Arizona Department of Public Safety may be found at [azdps.gov](http://azdps.gov).

I have read and acknowledged receipt of this notice.

\_\_\_\_\_

Date

\_\_\_\_\_

Defendant Signature