



Maricopa County Justice Courts

INSTRUCTIONS FOR COMPLETING GUILTY / NO CONTEST PLEA BY MAIL AND JUDGMENT OF CONVICTION

Warning: The submission to the court of a completed form to enter a "guilty / no contest plea by mail" will have important legal consequences.

Please read these instructions completely and carefully. If you do not follow these procedures correctly and completely, your plea by mail may not be accepted by the court, and you may be required to appear in court in-person.

Read Rule 17.1(f)(2) of the Arizona Rules of Criminal Procedure and / or consult a lawyer if you have any additional questions after reading these instructions.

Note: You must have a copy of the complaint charging you with a crime to complete the form.

You must complete the following items on the plea by mail form.

- (1) Enter the name of the court where the complaint was filed (for example, Manistee Justice Court or Kyrene Justice Court).
- (2) Enter the court's case number.
- (3) Enter your first name, middle name, and last name exactly as they appear on the complaint along with your complete mailing address, telephone number, and email address.
- (4) Print your full legal name (which can be different than your name on the complaint.)
- (5) Check whether you are pleading guilty or no contest. Check only one box.
- (6) Provide the reasons why you have an "undue hardship". An undue hardship is something that makes it difficult for you to personally appear in court, such as an illness, physical incapacity, a substantial distance to travel, or you are incarcerated (that is, you are currently in jail.) You may enter a plea by mail only if you have an "undue hardship". If you do not have an "undue hardship", you must personally appear in court.
- (7) Provide any information you would like the judge to consider before you are sentenced. You may attach additional pages if needed to provide complete information. You may also attach any other documents or statements you'd like the judge to consider before you are sentenced.
- (8) Your signature confirms that you have read and understand the plea by mail form as well as these instructions, or that they have been read to you and that you understand them. If you do not read or speak English, please contact the court and request the assistance of an interpreter. If you have a lawyer, your lawyer must also sign the form and provide a State Bar number. Please note that only an attorney who is licensed to practice law in Arizona may sign the form.
- (9) You must provide your complete mailing address, telephone number, and email address. The court will mail a copy of the judgment of conviction to you.
- (10) You must attach a legible photocopy of your driver's license or other government-issued photo identification that contains your name and birth date. The court will not accept your plea if you have not attached a copy of your license or identification.



Maricopa County Justice Courts, Arizona

(1) _____

STATE OF ARIZONA

vs.

(2) CASE NUMBER: _____

(3) _____

Defendant(s) Name / Address / Email / Phone

GUILTY / NO CONTEST PLEA BY MAIL and JUDGMENT OF CONVICTION

I (4) _____, am the defendant in this case. I have a copy of the criminal complaint in this case, and I have read and I understand the charges filed against me.

I hereby agree to plead (5) Guilty No Contest to the criminal offense(s) alleged in the complaint. If there is more than one offense alleged in the complaint, I am pleading guilty or no contest to each of the criminal offenses in the complaint.

I admit to a factual basis for the offense(s) set forth in the complaint (that is, if my case went to trial, the facts would show that I did what I am charged with doing). I consent to the entry of judgment on my plea as indicated above.

I understand that the court will determine the sentence pursuant to my plea, and that I am responsible for satisfying all of the penalties that are imposed by the court. I further understand that the court may reject my plea by mail if any of the following are true:

- P my case involves a victim;
- P the court will impose a jail term, unless I am sentenced to time served, or unless I am currently in jail and the jail time that is imposed would not extend the length of my current jail sentence;
- P the court will impose a term of probation;
- P my fingerprint is required to be on the sentencing document;
- P a plea by mail would not be in the interests of justice; or
- P I have not described any undue hardship that justifies my plea by mail.

I understand that the range of penalties for misdemeanor and petty offenses are as follows:

- Class 1 misdemeanor: a \$2500 fine, 6 months jail, and/or 3 years probation, plus surcharges and fees.
 - Class 2 misdemeanor: a \$750 fine, 4 months jail, and/or 2 years probation, plus surcharges and fees.
 - Class 3 misdemeanor: a \$500 fine, 30 days jail, and/or 1 year probation, plus surcharges and fees.
 - Petty offense: not more than a \$300 fine, plus surcharges and fees.
- The maximum fine amounts are higher for enterprises.

If I am arrested on another offense in the future, I know that as the result of my plea in this case, I may be charged with a more serious offense that has more severe penalties.

If I am presently on probation or parole, I know that this guilty or no contest plea may result in a violation of my probation or parole.

I know that if I am not a citizen of the United States, pleading guilty or no contest to a crime may affect my immigration status. Admitting guilt may result in deportation even if the charge is later dismissed. My plea or admission of guilt could result in deportation or removal, could prevent me from ever being able to get legal status in the United States, or could prevent me from becoming a United States citizen.

I understand that by entering my plea of guilty or no contest by mail I am giving up all of the following constitutional rights:

- a. The right to plead not guilty and to require the State to prove guilt beyond a reasonable doubt.
- b. The right to a trial, and depending on the charge(s) against me, a right to a trial by jury.
- c. The right to assistance of an attorney at all stages of the proceeding, including appeal. If I cannot afford one, I may be eligible for a court-appointed attorney at a reduced cost or at no cost.
- d. The right to confront the witnesses against me and to cross-examine them as to the truthfulness of their testimony.
- e. The right to present evidence in my own behalf and to have the court compel my chosen witnesses to appear and to testify free of charge.
- f. The right to remain silent, not to incriminate myself, and to be presumed innocent unless/or until proven guilty beyond a reasonable doubt.
- g. The right to a direct appeal.

I give up the right to be present at the time of sentencing.

My plea is voluntary and not the result of force, threat, or promises.

I understand that a judgment of conviction may be set aside except as provided in A.R.S. 13-905K pursuant to A.R.S. 13-905A.

I understand that I may file a petition for post-conviction relief in accordance with Rule 33 of the Arizona Rules of Criminal Procedure, and if it is denied I may file a petition for review.

(6) I wish to enter my plea by mail because my personal appearance in court would be an undue hardship for the following reasons: (Explain the hardship, such as illness, physical incapacity, substantial distance to travel, or incarceration, fully and in detail. Attach additional pages if needed.)

(7) I would like the court to consider the following information in determining an appropriate sentence (attach additional pages if needed):

(8) Oath & acknowledgement. I swear or affirm that I have read, truthfully answered and not misrepresented information contained in this plea under the penalty of perjury. I understand that the court will determine the sentence and mail a copy of its judgment to me. I will be responsible for fulfilling the penalties and the sentence imposed by the court.

If you are required to pay fines, penalties, fees or other financial obligations as a result of a judgment of this court and you are unable to pay, bring this to the attention of court staff or the judge because payments over time or other alternatives may be available.

Date _____
Defendant's Signature _____

(if any) Defense Counsel Signature _____ AZ Bar # _____

(9) _____

Defendant(s) Name / Address / Email / Phone _____

ACCEPTANCE OF PLEA AND JUDGMENT OF CONVICTION

I CERTIFY that I have personally reviewed the defendant's statements set forth in this Guilty/No Contest Plea by Mail form. The court finds a basis in fact for believing the defendant is guilty of the offense(s) charged, and that the defendant's plea of guilty or no contest is voluntary and intelligent. I accept the defendant's plea and find that the defendant is guilty of the following offense or offense(s) as follows:

A.R.S. Codes: A. _____ B. _____ C. _____ D. _____ E. _____
\$ _____ \$ _____ \$ _____ \$ _____ \$ _____

Dated: _____ Judge _____

I CERTIFY that I mailed a copy of this PLEA BY MAIL and JUDGMENT OF CONVICTION to the defendant at the address shown above:
Date: _____ By _____ Clerk



Maricopa County Justice Courts, Arizona

WARNINGS AND NOTICE OF RIGHTS

DOMESTIC VIOLENCE CONVICTION WARNINGS – Ariz. Rev. Stat. §§ 13-3601, 13-3601.01, 13-3601.02, and 13-3101(A)(7)(d).

These warnings apply if you have been convicted of a crime which, based on the nature of the crime and your relationship to the victim, is designated a “domestic violence” or “DV” offense under A.R.S. §13-3601(A).

If you are on probation pursuant to a conviction for a Domestic Violence offense, you are prohibited by Arizona law from possessing firearms and other deadly weapons for the duration of your probation. If you have been convicted of a DV crime that involved the use or attempted use of physical force or the threatened use of a deadly weapon, you may be prohibited by federal law from possessing or purchasing firearms or ammunition. This prohibition is permanent unless the conviction is set aside pursuant to A.R.S. §13-905 (see below).

The mandatory minimum sentence upon a first conviction for a DV offense is completion of an approved domestic violence offender treatment program and payment of two \$50 DV assessments. If you are convicted of a second DV offense that occurs within 60 months of the first date of violation, you may be placed on supervised probation and may be incarcerated as a condition of that probation. A third or more DV conviction for an offense that occurs within 84 months of the first date of violation may be filed as a felony, and a conviction for such DV offense will result in a term of incarceration.

RIGHT TO REQUEST POST-CONVICTION RELIEF – Rules 32 and 33, Ariz. R. Crim. Proc.

If you were convicted and sentenced for a criminal offense after a trial or a contested probation violation hearing, you may file a request for post-conviction relief under Rule 32. If you pled guilty or no contest to a crime, or admitted a probation violation, or had an automatic probation violation based on a plea of guilty or no contest, you may file a request for post-conviction relief under Rule 33. Specific grounds for post-conviction relief are listed in Rule 32.1 and 33.1 of the Arizona Rules of Criminal Procedure.

To exercise your right, you must file a timely Notice Requesting Post-Conviction Relief with the court where you were convicted. To be timely, your Notice Requesting Post-Conviction Relief must be received by the court by the applicable deadline (see Rules 32.7 and 33.7). If you do not file a timely Notice Requesting Post-Conviction Relief, you may never have another opportunity to have the court address any errors that you believe were made in your case.

You have the right to have an attorney represent you in post-conviction proceedings. If you cannot afford to hire an attorney, you may be eligible for a court-appointed attorney, at a reduced cost or at no cost. You must also pay the costs of the transcript or recording of the court proceedings. If you (1) cannot afford to hire an attorney and wish to apply for a court-appointed attorney, or (2) believe that paying the full costs of the transcript or recording will cause substantial hardship to you or your family, you may ask to proceed as an indigent. Your request to proceed as an indigent must include a completed sworn financial questionnaire. Not all criminal cases are eligible for court-appointed counsel, or for relief from paying the full costs of the transcript or recording.

RIGHT TO APPLY TO HAVE YOUR JUDGMENT OF GUILT SET ASIDE – Ariz. Rev. Stat., §13-905; Rule 29, Ariz. R. Crim. Proc.

Upon fulfillment of the conditions of your probation or all terms of this sentence and discharge by the court, you may apply to this Court to have the judgment of guilt set aside and for a Certificate of Second Chance. The Application to Set Aside Judgment of Guilt and for a Certificate of Second Chance is available at the Court or on our website. If you were convicted in more than one case at this Court, you must file a separate application for each case.

Whether to set aside a conviction is within the discretion of the judge. If the court grants your application, the court will set aside the judgment of guilt and order that you be released from all penalties and disabilities resulting from the conviction except those imposed by the department of transportation or the game and fish commission. However, setting aside a judgment of guilt does not remove information that has been reported to the department of transportation, does not relieve you of MVD or driver-license-related consequences, does not require law enforcement to redact or remove a record or other information, and does not allow the department of public safety to redact or remove any part of your record. A.R.S. §§13-905(D), (E), (F), and (G).

Exceptions: Under A.R.S. §13-905(K), a judgment of guilt cannot be set aside if the offense was: (1) a “dangerous offense” (defined by A.R.S. §13-105(13) as one which involved the discharge, use or threatening exhibition of a deadly weapon or dangerous instrument, or the intentional or knowing infliction of serious physical injury on another person); (2) a felony offense in which the victim was under 15 years of age; (3) an offense for which a finding of “sexual motivation” was made under §13-118; or (4) an offense for which the defendant was ordered to register as a sex offender under §13-3821.

RIGHT TO PETITION THE COURT TO SEAL CRIMINAL CASE RECORDS – Ariz. Rev. Stat. § 13-911

After the required waiting period, you may be eligible to petition the court for an order to seal the case records of your arrest, conviction, and sentence.

There are exceptions to who is eligible to file a petition to seal case records. Subject to the exceptions, if you were convicted of a class 1 misdemeanor and three years have passed (or a class 2 or 3 misdemeanor and two years have passed) since you completed all the terms and conditions of your sentence, you have no prior felony conviction, and you were not later convicted of any other offense (except a non-DUI misdemeanor violation of Title 28), you may petition the court to seal the records of your arrest, conviction, and sentence. If you have a prior felony conviction, five years are added to the waiting period. The base waiting period for felony convictions is ten years (class 1 or 2 felony) or five years (class 3, 4, or 5 felony).

The sealing of case records relates only to records under the control of criminal justice entities, including the courts, the Department of Public Safety, prosecutors’ offices, and law enforcement agencies. If a petition to seal criminal records is granted, the records will be removed from public access. However, any case record that was published or distributed prior to sealing may still be accessible and may not be impacted by an order to seal case records. The sealing of records does not restrict access to those records by law enforcement, prosecutors, or others who may perform specific types of background checks or clearances; nor does it prevent the records from being asserted as prior arrests or alleged as prior convictions.

You must file your petition to seal records in the court where you were convicted. If the charges were dismissed, or you were found not guilty, or your conviction was vacated, you must file in the court where the criminal citation or complaint was filed. Forms, instructions, and additional information are available at <https://justicecourts.maricopa.gov/> and <https://www.azcourts.gov/selfservicecenter/Criminal-Law/Sealing-records>. Please read the entire statute.