



Maricopa County Justice Courts, Arizona

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

(The Petition form may be found online at: <http://justicecourts.maricopa.gov> or www.azcourts.gov/selfservicecenter/Forms)

Please read the following before completing the Petition form.

WHO CAN PETITION FOR EXPUNGEMENT:

You may seek expungement of your marijuana-related criminal records by filing the Petition form if you were either arrested, charged, convicted, or acquitted 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*.

**marijuana includes cannabis*

WHERE TO FILE YOUR PETITION:

If your arrest resulted in a court case, you must file your Petition in the court that resolved the matter using the form specific to that court (Justice or Superior). 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. You will not have a court case number for that petition.

REQUIRED INFORMATION: *under Rule 36 of the Arizona Rules of Criminal Procedure:*

- Your name at the time you were cited, address, date of birth, and email address, if you have an email address;
- The offense for which you were cited and are now seeking expungement;
- The name of the law enforcement agency that arrested you for the marijuana-related offense; and
- The court's case number if your arrest resulted in a criminal complaint filed with the Court.

If you have multiple Court cases with eligible offenses, you must file separate Petitions for each case number.

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 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 find information about your case at the following websites:

The Maricopa County Justice Courts: (<http://justicecourts.maricopa.gov>)

The Federal Bureau of Investigations: (<https://www.fbi.gov/services/cjis/identity-history-summary-checks>)

The Arizona Department of Public Safety: (<https://www.azdps.gov/services/public/records/criminal>)

The Public Access Case Lookup: (<https://apps.supremecourt.az.gov/publicaccess/caselookup.aspx>)

TYPE OR PRINT NEATLY USING BLACK INK. FILL OUT ALL FIELDS AS FULLY AS POSSIBLE:

- Identify the court where you will be filing. If you will file in the Justice Court, use the Petition form for Justice Court. If you will file in the Superior Court, use the Petition form for Superior Court.
- The lines at the top right of the Petition are for the Defendant's information.
- The lines at the top left are for the contact information of the person filing the Petition. Both of these might be you.
- Fill in the other blanks and check boxes with the information requested.
- Enter the case number that you want the court to expunge. If you are seeking to expunge ONLY an arrest record and not a court case, leave the case number blank; the court will assign a case number when you file your Petition.
- Date and sign the Petition and again provide the contact information requested.

IF THE COURT GRANTS YOUR PETITION:

- If you owe fines, fees, or other monetary penalties on other non-eligible charges in the same case for which you are seeking expungement, you will need to ask the court for a new payment plan.
- If you were convicted as an adult of a felony marijuana offense and the expungement restores your civil rights, you must complete and submit a new voter registration form in order to be eligible to vote. Please refer to your County Recorder's Office for additional questions about voter registration.



Maricopa County Justice Courts, Arizona

CASE NUMBER: _____

Person Filing Name / Address / Email / Phone

State Bar/LDP Number

Petitioner(s) Name / Address / Email / Phone

Date of Birth

PETITION TO EXPUNGE MARIJUANA-RELATED OFFENSE RECORDS

ARS §36-2862

The above-named Petitioner pursuant 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 police 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 police agency: _____

3. Court case number: _____

4. The name I used at the time of arrest was (if different): _____

B. ADDITIONAL INFORMATION RELATED TO THE ELIGIBLE CHARGE(S): *(Please complete all fields known to you.)*

1. I was arrested on (insert date): _____

2. Name of prosecuting agency: _____

3. One or more non-eligible charges were filed against me on this same case. Yes No

4. I was convicted of the eligible offense(s). Yes No

If yes, insert date of conviction here: _____

5. My case was dismissed on the eligible charge(s). Yes No

If yes, insert date of dismissal here: _____

6. There is an outstanding arrest warrant in this case. Yes No

7. There is an active payment plan in this case. Yes No

C. SUPPORTING DOCUMENTATION

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 Justice Court case number, crime lab report showing weight of marijuana seized; 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. DECLARATION AND ACKNOWLEDGMENTS

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.

Date: _____
Petitioner's Signature _____

Petitioner current mailing address:

Street _____
City, State Zip _____
Phone (_____) _____ - _____
E-Mail _____

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

Attorney current mailing address:

Street _____
City, State Zip _____
Phone (_____) _____ - _____
E-Mail _____

Date: _____
Attorney's signature _____

Attorney's name printed Bar number _____

NOTICE TO THE STATE: You have 30 days from the filed date to respond to this Petition or the Petition may be granted under Rule 36(b)(2).

I CERTIFY that I delivered / mailed a copy of this document to:
 MCAO Defendant Defendant's attorney
Date: _____ By _____
Clerk Signature