



Maricopa County Justice Courts, State of Arizona

CASE NUMBER: _____

STATE OF ARIZONA

vs.

JUDGMENT AND SENTENCE ORDER

MODIFIED (All terms of the original order not modified remain in full force and effect)

Defendant

THE COURT RENDERS JUDGMENT and Orders as follows:

FTA 13-3904	A.	B.	C.	D.	E.
Violation Codes					

Not Guilty / Not Responsible

Dismissed

Guilty / Responsible \$ _____ \$ _____ \$ _____ \$ _____ \$ _____ \$ _____

Surcharges waived

Sentence Suspended

\$45.00 Warrant Fee \$ _____

\$30.00 Default Fee \$ _____ \$ _____ \$ _____ \$ _____ \$ _____

Attorney Reimbursement \$ _____ \$ _____ \$ _____ \$ _____ \$ _____

Restitution \$ _____ \$ _____ \$ _____ \$ _____ \$ _____

Restitution shall be paid through the Maricopa County Check Enforcement Program, 100 West Washington, #200, Phoenix, Arizona 85003-1806 (602-372-7300) in monthly installments of \$ _____ beginning on the _____ day of _____ and each month thereafter until paid in full.

DUI (Prison Constr Fund) \$ _____ \$ _____ \$ _____ \$ _____ \$ _____

DUI (Addl Assessment) \$ _____ \$ _____ \$ _____ \$ _____ \$ _____

EXTREME DUI (Abatement Assessment) \$ _____ \$ _____ \$ _____ \$ _____ \$ _____

The defendant shall pay jail costs for every day served on these charges at the rate of \$193.00 for the first day and \$72.00 for every day thereafter. For a total of: \$ _____

The fine shall be reduced if the defendant shows the following proof to the court NO LATER THAN: _____

- Insurance (in effect on the date of the violation) A new 6-month policy of insurance Current registration
- Reinstated driver's license Legible or duplicate driver's license Other:

ALL AMOUNTS ARE DUE AND PAYABLE TODAY. If you are unable to pay today you must report to the Court's Fines Manager. A \$20.00 time payment fee will be added to fine(s) not paid in full today. Additional penalties will be added to all balances not paid as agreed. Collection costs will be added to all balances referred to a collection agency.

Cash bond of \$ _____ shall be applied as follows:
 \$ _____ \$ _____ \$ _____ \$ _____ \$ _____ \$ _____

Any remaining bond is exonerated.

- IT IS FURTHER ORDERED: _____
- Additional orders as set forth on the JUDGMENT AND SENTENCE ORDER ADDENDUM.
- Additional orders as set forth on the DOMESTIC VIOLENCE ADDENDUM.

Until all conditions of this order are completed, you must immediately notify the court in writing, of any change of address or telephone number.

Date: _____

Justice of the Peace

I acknowledge receipt of a copy of the foregoing Judgment and Sentence Order. I understand that, if I fail to comply, the court will take appropriate action as follows: Direct MVD to suspend my driver's license and/or registration. My privilege to drive will remain suspended until the judgment and any additional penalties are paid in full, or issue an order requiring me to show cause why I should not be held in contempt and a warrant may be issued for my arrest.

I am a teacher certified to teach by the Board of Education or I am teaching in a community college district or a charter school. I am not a teacher

Date _____ Defendant's Signature _____ Mailing Address _____ City _____ State _____ Zip _____ Phone Number _____

DOMESTIC VIOLENCE CONVICTION WARNINGS

You have been convicted of crime that is considered domestic violence according to ARS 13-3601A: based on the nature of the crime and your relationship to the victim. If the crime involves the use or attempted use of physical force or the threatened use of deadly weapon, you are prohibited by federal law from possessing firearm or ammunition. This prohibition is permanent unless the conviction is set aside pursuant to ARS 13-907. conviction may not be set aside if the criminal offense involved the infliction of serious physical injury or the use of exhibition of deadly weapon or dangerous instrument or if the victim is under fifteen years of age. conviction is not automatically set aside upon request. Any decision is within the discretion of the judge.

The mandatory minimum sentencing requirement for domestic violence conviction is counseling program. Additionally, if you are convicted of second offense, you may be placed on supervised probation with term of jail as condition of that probation, third or subsequent charge may be filed as felony and conviction for that offense will result in term of incarceration,

THE FOLLOWING RIGHTS ARE APPLICABLE IN CRIMINAL CASES ONLY

NOTICE OF RIGHT OF SETTING ASIDE JUDGMENT ARS 13-907 Setting aside judgment of convicted person on discharge; application; release from disabilities; exceptions

A. Except as otherwise provided in this section, every person convicted of a criminal offense, on fulfilling the conditions of probation or sentence and discharge by the court may apply to the judge, justice of the peace or magistrate who pronounced sentence or imposed probation or such judge, justice of the peace or magistrate's successor in office to have the judgment of guilt set aside. The convicted person shall be informed of this right at the time of discharge.

B. The application to set aside the judgment may be made by the convicted person or by the convicted person's attorney or probation officer authorized in writing.

C. If the judge, justice of the peace or magistrate grants the application, the judge, justice of the peace or magistrate shall set aside the judgment of guilt, dismiss the accusations or information and order that the person be released from all penalties and disabilities resulting from the conviction other than those imposed by:

1. The department of transportation pursuant to section 28-3304, 28-3306, 28-3307, 28-3308 or 28-3319, except that the conviction may be used as a conviction if such conviction would be admissible had it not been set aside and may be pleaded and proved in any subsequent prosecution of such person by the state or any of its subdivisions for any offense or used by the department of transportation in enforcing section 28-3304 28-3306, 28-3307, 28-3308 or 28-3319 as if the judgment or guilt had not been set aside.
2. The game and fish commission pursuant to section 17-314 or 17-340.

D. This section does not apply to a person convicted of a criminal offense:

1. Involving the infliction of serious physical injury.
2. Involving the use or exhibition of a deadly weapon or dangerous instrument.
3. For which the person is required or ordered by the court to register pursuant to section 13-3821.
4. For which there has been a finding of sexual motivation pursuant to section 13-118.
5. In which the victim is a minor under fifteen years of age.
6. 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.

NOTE: Pursuant to AIRS 13-907, an Application to Set Aside Judgment does not mean that the Court will seal the record of your arrest or conviction or restrict public inspection of the record, nor respond to inquiries relating to your conviction as though the conviction never occurred. You may be required to disclose conviction which has been set aside in applications for certain licenses. The Court cannot deny anyone the right to look at the court file or obtain copy of the original citation, complaint, sentence or conviction,

The Motor Vehicle Department has no authority to suppress convictions and suspensions from the driving record. The Motor Vehicle Department will not remove any points from your driving record and the information is available to an insurance agency.

If the judgment is set aside, the record of the original sentence or conviction will followed by Court entry indicating that an application to set aside the judgment was granted.

RIGHT TO POST-CONVICTION RELIEF

You also have right to petition the Court for post-conviction relief, Rule 32, Rules of Criminal procedure. In order to exercise your post-conviction relief right:

You must file Notice of Post-Conviction Relief within 90 days of the entry of judgment and sentence if you do not file, or do not have the right to file, Notice of Appeal. If you do appeal, the time you have to file Notice of Post-Conviction relief is extended to within 30 days of the order and mandate affirming the judgment and sentence on direct appeal. If you do not timely file Notice of Post-Conviction Relief you may never have another opportunity to have any errors made in your case corrected by another court.

To file for post-conviction relief, get copy of the Notice of Post Conviction relief form, either from the clerk of the court or jail, fill it out and file or send it to the clerk of the justice court where you were sentenced. The notice must be received by the court within 90 days after you were sentenced or within 30 days of the order and mandate affirming the judgment and sentence on direct appeal.

8150-631.02 R:07-1-2008

NOTICE OF RIGHT TO APPEAL -- CRIMINAL

YOUR RIGHT TO AN ATTORNEY DURING THE APPEAL You have constitutional right to an attorney to represent you during the appeal stage of your case. This means you have the right to hire private attorney, and in certain situations, you may be eligible for court appointed attorney to represent you.

Generally, if you had court appointed attorney for the trial, you will continue to have court appointed attorney for the appeal.

If the sentence you are appealing includes jail time or probation and you cannot afford to hire private attorney, you may complete financial statement and request court appointed attorney. Depending upon your income and financial situation, an attorney may be appointed; your request may be denied; or you may have an attorney appointed with the requirement that you pay some amount in contribution toward the cost of the attorneys services. The procedure to apply for court appointed attorney is set forth in Rules of Criminal Procedure, Rule 6. If you wish to consider this process, ask the clerk for further instructions.

If you file an appeal you are the APPELLANT. The Justice Court is called the Trial Court,

THE APPEAL PROCESS There are two separate stages to the appeal process. The first stage begins in the Justice Court and the second stage takes place in the Superior Court. You must complete ALL steps at both stages or you risk having your appeal dismissed.

This notice does not set forth all the rules that govern the appeal process. You may review the complete rules at the library as contained in the Superior Court Rules of Appellate Procedure, the Rules of Criminal Procedure and in the Arizona Revised Statutes. It is recommended that you keep copy of all your documents during the appeal process.

THE NOTICE OF APPEAL To appeal you must file NOTICE OF APPEAL with the trial court within fourteen (14) calendar days from the final order or final judgment. If you do not file NOTICE OF APPEAL within the time allowed by law, you lose the right to appeal. It is required that you designate the specific judgment, order or ruling that is being appealed.

BOND ON APPEAL If your release status at the time of appeal is "own recognizance", you will retain that status pending the appeal. If you have posted bond to secure your release, your bond will remain with the court pending the appeal unless modified by the court.

STAY OF EXECUTION OF SENTENCE Execution of any sentence requiring incarceration will be stayed, pending the appeal. Any order of restitution however, is not stayed pending the appeal.

THE RECORD Also, within the time to appeal you must file an original and one copy of the DESIGNATION OF RECORD. designation of the record is formal list of the items in the court record that you want to include in the appeal.

The justice court record is made by audiotape, CID or video. The court will provide you with copy of the audiotape, CD or video if the proceedings were on the record. The court will contact you to pick up copy of the audiotape, CID or video within 10 days after you file the NOTICE OF APPEAL.

If the taped proceedings are more than 90 minutes in length, it will be necessary for you to pay court reporter to prepare transcript (a typed record) of the proceedings. You can find listing for COURT REPORTERS in the yellow pages of the telephone book. Within 14 calendar days after you file the NOTICE OF APPEAL, you must make arrangements with the court reporter or transcriber to pay any record or transcript preparation fees. The transcript must be filed with the trial court before, or at the same time, you file your memorandum (see FILING THE APPELLANT'S MEMORANDUM).

If you cannot afford to pay for the transcript, ask the clerk for information about waiver or extension to make payment at a later time. If you fail to pay for the transcript your appeal may be dismissed. Additional copies of the proceedings may be obtained for an additional charge.

THE WRITTEN APPELLANT'S MEMORANDUM You will need the record for the next step - the APPELLANT'S MEMORANDUM. The appellant's memorandum is your written "brief" or explanation of why the trial court ruling was legally wrong. Your memorandum should refer to specific portions of the record of the trial or hearing to point out where there was error by the court (that is why written record must be prepared).

The memorandum should be typed or printed on letter-sized white paper, double spaced, and not exceed 15 pages in length. You may also attach any exhibits from the trial or hearing to the memorandum.

FILING THE APPELLANT'S MEMORANDUM (within 60 days) The APPELLANT'S MEMORANDUM must be filed with the trial court within 60 calendar days of the deadline to file the NOTICE OF APPEAL.

Remember that the trial court must have your current mailing address at all times to keep you informed. Even if you hire an attorney your address is still required for legal notifications.

NOTIFICATION FROM THE SUPERIOR COURT If you have completed all of the steps of the first stage, your case moves to Superior Court where an appeals judge will review the case. About 60 days after you file your memorandum you will receive notification that your case has been sent to Superior Court. Next, you will receive second notice from the Superior Court assigning Superior Court case number to use in all further correspondence. The notice will also inform you what will happen next. If you have completed all of these steps, you will receive ruling from the Superior Court. The Superior Court has the right to affirm the trial court; overrule the trial court; modify some of the trial court's decision; or, if the record is not clear, order a new trial in the trial court.

NAME: _____

CASE NUMBER: _____

JUDGMENT AND SENTENCE ORDER ADDENDUM

IT IS FURTHER ORDERED that defendant shall:

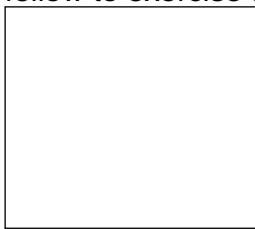
1. Be confined in the Maricopa County Jail for a period of _____ days, as set forth in the Order of Confinement.
- 10 days in jail (9 days suspended on completion of alcohol or drug screening, education or treatment program)
- 30 days in jail (all but 10 consecutive days suspended upon completion of alcohol or drug screening, education or treatment program)
- 45 consecutive days in jail
- 90 days in jail (all but 30 consecutive days suspended upon completion of alcohol or drug screening, education or treatment program)
- 120 days in jail (all but 60 consecutive days suspended upon completion of alcohol or drug screening, education or treatment program)
- 180 consecutive days in jail
2. 30 hours of community restitution service.
3. Participate in an alcohol / drug screening as set forth in the Treatment Order. You must participate in any and all programs, counseling or treatment recommended pursuant to the screening.
4. Participate in the Mother's Against Drunk Driving (MADD) Victim Impact Panel.
5. Participate in and complete _____ hours of community (service) restitution by _____, at the following location: _____
6. Participate in counseling at: _____
7. Show proof of completion by _____ You are responsible for ensuring the court receives proof of compliance.
8. Defendant's driving privileges registration be suspended for _____ Day(s) Month(s)
9. Ignition interlock extended for _____ Day(s) Month(s)
10. Additional Orders: _____

PROBATION ADDENDUM

11. Defendant is placed on probation under the supervision of this court and subject to the terms and conditions checked below for the following violation _____
for a period of _____ month(s) year(s) from this date, ending _____
- IN ADDITION TO COMPLIANCE WITH ALL ORDERS** contained within this judgment and sentence order, which are hereby made apart of and included in the terms and condition of probation, defendant shall:
- At all times be a law-abiding citizen.
- Remain gainfully employed or enrolled as a student at all times and shall keep the court advised of such employment or schooling and progress therein.
- Not drink intoxicating and / or alcoholic beverages to excess.
- Not knowingly associate with any person of lawless reputation nor with any person who has a criminal record or who is on probation or parole without approval of the court.
- Not possess or use any drug or narcotic including marijuana or dangerous drugs in violation of any law.
- Not possess or control any deadly weapon or firearm
- Not leave the State of Arizona nor change the place of residence without notification and approval of the court.
- Report to the court at least once each month, in writing, or in person, or at all other such times as directed by the court.
- Not drive a vehicle in Arizona unless properly licensed by the State of Arizona.
- Defendant shall have no contact with the victim.
- Special conditions: _____

Failure to fulfill all terms of this Order may result in imposition of any suspended or deferred jail time.

- RIGHT TO APPEAL this judgment will end 14 calendar days after TODAY'S date. A NOTICE OF RIGHT TO APPEAL setting forth the procedures I must follow to exercise this right appears on the back of the Judgment and Sentence Order given me.
- A NOTICE OF RIGHT OF SETTING ASIDE JUDGMENT and my RIGHT TO POST CONVICTION RELIEF, and the procedures I must follow to exercise these rights, appears on the back of the Judgment and Sentence Order given me.



Right Thumb

Date: _____

_____ Defendant