

**REDUCE CLASS 6  
UNDESIGNATED  
FELONY to a**

**1**

**MISDEMEANOR**

**Forms and Instructions**



## SELF-SERVICE CENTER

# APPLICATION TO REDUCE CLASS 6 UNDESIGNATED FELONY to a MISDEMEANOR

## CHECKLIST

*You may use these forms if . . .*

- ✓ The class six felony conviction is undesigned at the time of this application.
  - ✓ Prior to admitting to or being found guilty of this class 6 undesignated felony, you had **not** been convicted of two felony offenses.
  - ✓ The class 6 felony did **not** involve the intentional or knowing infliction of serious physical injury.
  - ✓ The class 6 felony did **not** involve the discharge, use or threatening exhibition of a deadly weapon or dangerous instrument.
    - **Deadly weapon** means anything designed for lethal use, including a firearm.
    - **Dangerous instrument** means anything that under the circumstances in which it is used, attempted to be used or threatened to be used is readily capable of causing death or serious physical injury.
- ✗ **You are NOT eligible for relief if** the Court designated it a felony **or** the parties stipulated at the time of sentencing that the offense would be a designated felony.

**READ ME:** Consulting a lawyer before filing documents with the court may help prevent unexpected results. A list of lawyers you may hire to advise you on handling your own case or to perform specific tasks, as well as a list of court-approved mediators can be found on the Self-Service Center website at:

[www.superiorcourt.maricopa.gov/SSC](http://www.superiorcourt.maricopa.gov/SSC)

## Self-Service Center

# APPLICATION TO REDUCE CLASS 6 UNDESIGNATED FELONY TO A MISDEMEANOR

This packet contains court forms and instructions to file a request for a Court Order to reduce a Class 6 undesignated felony to a misdemeanor. Items in **BOLD** are forms that you will need to file with the Court. Non-bold items are instructions or procedures. Do not copy or file those pages!

Order	File Number	Title	# Pages
1	CRF2M1k	Checklist: <i>"You may use these forms if . . ."</i>	1
2	CRF2M1t	Table of Contents (this page)	1
3	CRF2M11i	Instructions: How to Fill Out Forms	1
4	CRF2M11f	<b>"Application for Court Order to Reduce Class 6 Felony"</b>	3
5	CRF2M81f	<b>"Court Order to Reduce Class 6 Felony"</b>	1
6	CRF2M10p	PROCEDURES: What to do after you have completed all forms	1

The documents you have received are copyrighted by the Superior Court of Arizona in Maricopa County. You have permission to use them for any lawful purpose. These forms shall not be used to engage in the unauthorized practice of law. The Court assumes no responsibility and accepts no liability for actions taken by users of these documents, including reliance on their contents. The documents are under continual revision and are current only for the day they were received. It is strongly recommended that you verify on a regular basis that you have the most current documents.

# INSTRUCTIONS FOR APPLYING FOR CLASS 6 UNDESIGNATED FELONY TO BE DESIGNATED A MISDEMEANOR

**Please read the following before completing the attached Application.**

Any information needed from the court to fully complete the Application is available at the Clerk of the Court's Customer Service Center located at 601 West Jackson Street in downtown Phoenix. Hours are 8:00 a.m. to 5:00 p.m., excluding holidays and weekends. They may be contacted at **602-506-3360**.

**To be eligible to have your class six felony designated a misdemeanor, the following must apply:**

1. The class six felony conviction must be undesigned at the time of the application. You are not eligible for relief if the Court designated it a felony or the parties stipulated at the time of sentencing that the offense would be a designated felony.
  2. Prior to admitting to or being found guilty of the class 6 undesignated felony, you had not been convicted of two felony offenses.
  3. The class 6 felony did not involve the intentional or knowing infliction of serious physical injury.
  4. The class 6 felony did not involve the discharge, use or threatening exhibition of a deadly weapon or dangerous instrument.
- **Deadly weapon** means anything designed for lethal use, including a firearm.
  - **Dangerous instrument** means anything that under the circumstances in which it is used, attempted to be used or threatened to be used is readily capable of causing death or serious physical injury.

## **FILL OUT THE ENTIRE APPLICATION**

- In the body of the Application, explain what you are requesting and why. For example: "I want my felony conviction of a class 6 undesignated felony reduced to a misdemeanor to improve my ability to obtain employment."
- Write in the date you mailed or delivered the copy of the Application to the prosecuting agency.

## **2<sup>ND</sup> Form: ORDER DESIGNATING CLASS 6 FELONY AS A MISDEMEANOR**

- **Write in** your name as "Defendant", the case number, and the name of the Class 6 felony to which you plead guilty or were otherwise convicted.
- **MAKE COPIES: Make 3 copies of the Application and 2 copies of the Order.**
- **MAIL or DELIVER 1 copy of the Application** to the agency that prosecuted your case, *either* the:

**Maricopa County Attorney**  
301 W. Jefferson Street  
Phoenix, Arizona 85003

**OR**

**Arizona Attorney General's Office**  
1275 West Washington Street  
Phoenix, Arizona 85007

**NEXT:** Go to the "Procedures" page for information and instructions on how to file your Motion (and what to do with the extra copies).

NAME: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_  
CITY, STATE: \_\_\_\_\_  
PHONE: \_\_\_\_\_  
EMAIL: \_\_\_\_\_

## SUPERIOR COURT OF ARIZONA IN MARICOPA COUNTY

STATE OF ARIZONA,  
PLAINTIFF

CASE NO: \_\_\_\_\_

v.

**APPLICATION TO  
DESIGNATE A CLASS 6  
UNDESIGNATED FELONY AS A  
MISDEMEANOR**

\_\_\_\_\_,  
DEFENDANT

On the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, I was convicted of  
\_\_\_\_\_ a class 6 undesignated felony, by  
Judge \_\_\_\_\_, in Maricopa County Superior Court.

This was either my first or second felony conviction. In addition, this class 6 felony conviction was not a dangerous offense in that it did not involve the intentional or knowing infliction of serious physical injury or the discharge, use or threatening exhibition of a deadly weapon or dangerous instrument.

The checked items apply to this application.

On the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, I completed the conditions of my probation and the Probation Department's order discharging me from probation is in the Court file or attached to this form, OR

I am still on probation. My Probation Officer is \_\_\_\_\_, *and*

I have complied with all required terms of my probation (including all employment, classes, community service, restitution, drug/alcohol testing, or other requirements),

OR

I have not complied with all terms of my probation.

*If you have not complied with all terms of your probation, explain below:*

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I have been charged with or convicted of a felony offense since the date of my conviction for this offense. The case number and charges are as listed below.

Case Number	Name/type Felony Offense(s) Charged or Convicted of

I request that the class 6 undesignated felony of which I was convicted in this case, be designated a misdemeanor for the following reason(s)

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**Therefore**, based on A.R.S. § 13-604, I respectfully request this Court designate the offense a misdemeanor.

Submitted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Defendant's Signature

\_\_\_\_\_  
Defendant's Printed Name

**CERTIFICATE OF MAILING**

Original + one copy filed with the Clerk of the Court this \_\_\_\_\_, 20\_\_\_\_  
Month Date Year

One copy of this document was sent via first class mail or hand-delivered this (date below),  
\_\_\_\_\_, 20\_\_\_\_  
Month Date Year

To:

**Maricopa County Attorney  
301 W. Jefferson Street  
Phoenix, Arizona 85003**

**OR, if the case was prosecuted by the Attorney General rather than the County Attorney,**

To:

**Arizona Attorney General's Office  
1275 West Washington Street  
Phoenix, Arizona 85007**

**SUPERIOR COURT OF ARIZONA  
IN MARICOPA COUNTY**

**STATE OF ARIZONA,**

**CASE NO: \_\_\_\_\_**

**PLAINTIFF**

**v.**

**ORDER TO DESIGNATE  
CLASS 6 UNDESIGNATED FELONY  
A MISDEMEANOR**

\_\_\_\_\_  
**DEFENDANT**

**There being good cause, IT IS ORDERED** designating the class 6 undesignated felony for the conviction of the offense of \_\_\_\_\_ a misdemeanor.

Done in open court this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,

\_\_\_\_\_  
**Judicial Officer**

## SELF-SERVICE CENTER

### PROCEDURES: HOW TO FILE THE FORMS TO HAVE YOUR CLASS 6 UNDESIGNATED FELONY RE-CLASSIFIED AS A MISDEMEANOR

**STEP 1:** Complete the **Application** and the **Order** (except for the Judge's signature), and:  
Make **3** copies of the **Application**, and  
Make **2** copies of the **Order**,

**STEP 2:** **Prepare 2 envelopes, including postage:** (if applicable\* – see below)  
**Address one to the prosecutor's office** as directed in the "Instructions" document.\*  
**Address one to yourself** (if you want the Court to mail the decision to you).

\* *If hand-delivering* to the prosecutor's office you may simply deliver the **Application** without envelope (or in an envelope without postage).

**STEP 3: GO TO THE CLERK OF COURT FILING COUNTER TO FILE YOUR PAPERS.**  
The Court is open from 8am-5pm, Monday-Friday. You may file your papers at any of the following Superior Court locations:

**South Court Tower**  
175 West Madison, 12<sup>th</sup> Floor  
Phoenix, Arizona 85003

**Southeast Court Facility**  
222 East Javelina Avenue, 1st floor  
Mesa, Arizona 85210

**Northwest Court Facility**  
14264 West Tierra Buena Lane  
Surprise, Arizona 85374

**Northeast Regional Court Center**  
18380 North 40<sup>th</sup> Street (40<sup>th</sup> Street & Union Hills)  
Phoenix, AZ 85032

Give **ALL four** of the **Application** forms to the Clerk at the Filing Counter. There is **NO FEE** for filing this **Application**. The clerk will stamp the original and copies, keep the original, **and return the copies to you.**

- One copy is for the prosecutor's office. Hand-deliver or insert **Application** in envelope and mail.
- One copy is for the Judicial Officer assigned to your case.
- One copy is for you to keep for your records.

**STEP 4: Go to Criminal Court Administration** (Ask Filing Counter for location). Deliver to the in-box of the Judge or Commissioner assigned to your case:

- **1 copy of the APPLICATION,**
- **2 copies of the ORDER,** and
- **The self-addressed stamped envelope addressed back to you.**

**If you do not know** which Judicial Officer is currently assigned to your case, you may call Criminal Court Administration at **602-506-8575**, or ask the person at the Administration counter for help. Alternatively, you may mail the above to:

**Criminal Court Administration, 201 W. Jefferson Street, Phoenix, AZ 85003**

**WHAT NEXT? WAIT.** There is no specific time limit for the Judge to rule on your request.

- If you have not received a copy of the Court's Order (if you provided an envelope), or
- If no decision has been posted in the Clerk of Court's Electronic Court Records (ECR) within **30** business days, you may inquire with the JA (Judicial Assistant) of the assigned Judge or contact Criminal Court Administration for an update.
- **You may register for free access to your online electronic court records at:**

<https://ecr.clerkofcourt.maricopa.gov>