

## 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 undesigned 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 undesigned 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).