

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

Please read the following before completing the attached Application and Order

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

1. The class six felony conviction must be undesignated 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.

STEP 1: 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 will mail or deliver the copy of the Application to the Yavapai County Attorney.
- Make two (2) copies of the application.

STEP 2: FILL OUT THE ORDER

- Write in your name as "Defendant", the case number, and the name of the Class 6 undesignated felony(ies) to which you plead guilty or were otherwise convicted.
- Make one (1) copy of the Order.

STEP 3: Prepare two (2) envelopes, including postage: (if applicable* – see below)

- **Address one to the Yavapai County Attorney's office** (address on page 3 of the application).
- **Address one to yourself** (if you want the Court to mail the decision to you).
 - * *If you are hand-delivering a copy of your application to the Yavapai County Attorney's office, you may simply deliver it without envelope (or in an envelope without postage).*

STEP 4: GO TO THE CLERK OF COURT FILING COUNTER TO FILE YOUR APPLICATION.

The Court is open from 8:00 a.m. – 5:00 p.m., Monday - Friday. You may file your papers at either of the following locations:

Clerk of Superior Court
Yavapai County Courthouse
120 S. Cortez Street
Prescott AZ 86303-4737

Clerk of Superior Court
Yavapai County Superior Court
2840 N. Commonwealth Drive
Camp Verde AZ 86322

There is **NO FEE** for filing this Application. Give the original Application and both copies, both copies of the order, and your self-addressed stamped envelope to the clerk at the Filing Counter. The clerk will file stamp your original application and conform stamp both copies of your application. The clerk will keep your original application, and return the conform-stamped copies of the application to you. The clerk will forward both copies of the order along with the original application to the assigned judge.

The two conformed copies of the application that the clerk returns to you:

- One copy is for the Yavapai County Attorney's office. You need to hand-deliver or insert Application in envelope and mail.
- One copy is for you to keep for your records.

STEP 5: MAIL or DELIVER one (1) copy of the Application to the Yavapai County Attorney.

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 you have not received a response from the court within 45 business days, you may inquire with the Clerk's office for an update.

Name _____

Mailing Address _____

Daytime Telephone Number _____

Representing Self Plaintiff Defendant

For Clerk's Use Only

IN THE SUPERIOR COURT OF ARIZONA, YAVAPAI COUNTY

STATE OF ARIZONA,
Plaintiff

Case No: 1300CR _____

VS

APPLICATION TO DESIGNATE
A CLASS 6 UNDESIGNATED
FELONY AS A MISDEMEANOR

Defendant

On the _____ day of _____, _____, I was convicted of _____, a class 6 undesignated felony by Judge _____, in Yavapai 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 discharge, use, or threatening exhibition of a deadly weapon or dangerous instrument.

The checked items apply to this application.

On the _____ day of _____, _____, 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:

[] 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 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):

Case No.: CR

Therefore, based on A.R.S. § 13-604, I respectfully request this court designate the offense(s) a misdemeanor.

Submitted this _____ day of _____, 20_____.

Defendant's Signature

Defendant's Printed Name

CERTIFICATE OF MAILING:

Original filed with the Clerk of Superior Court on _____ date.

One copy of this document was

sent via first class mail on _____ date

or

hand delivered on _____ date

To: Yavapai County Attorney
255 E. Gurley Street
Prescott, AZ 86303

**IN THE SUPERIOR COURT OF ARIZONA
YAVAPAI COUNTY**

STATE OF ARIZONA,
Plaintiff

Case No: 1300CR

VS

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

_____,
Defendant

There being good cause appearing, IT IS ORDERED designating the class 6 undesignated felony(ies) for the conviction of the offense(s) of _____
_____ a misdemeanor (misdemeanors).

Done in open court this _____ day of _____, 20_____.

Judicial Officer