

## **SOUTH TUCSON CITY COURT**

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### **SET ASIDE JUDGMENT AND ORDER INFORMATION**

Every person convicted of a criminal offense who has fulfilled all conditions of their probation or sentence **and** had their case discharged by the Court may apply to have the judgment of guilt set aside. You **CANNOT** have your conviction set aside if you were convicted of:

- Any offense involving the infliction of serious physical injury or the use or exhibition of a deadly weapon or dangerous instrument; OR
- Any offense for which you are required or ordered by the Court to register as a sex offender pursuant to A.R.S. §13-3821 (see A.R.S. §§13-1402(B), 13-3822, 13-3824); OR
- Any offense in which the victim is a minor under 15 years of age; OR
- Driving on a suspended license (A.R.S. §28-3473); OR
- Any local ordinance relating to stopping, standing or operation of a vehicle; OR
- Any violation of Title 28, Chapter 3 (most civil traffic infractions, parking violations, and equipment violations), **except** a violation of Section 28-693 (reckless driving) or any local ordinance relating to the same subject matter as Section 28-693 (reckless driving).

### **WHAT DOES IT MEAN TO HAVE A JUDGMENT OF GUILT SET ASIDE?**

- If the judge sets aside the judgment of guilt, you are released from all penalties and disabilities resulting from the conviction.
- The penalties and disabilities are any conditions imposed upon you as a result of the conviction, but **DO NOT** include the terms imposed as part of your sentence.

### **WHAT A SET ASIDE DOES NOT DO:**

- A set aside **DOES NOT** erase the conviction from your record. Your record reads that the conviction was set aside.
- A set aside **DOES NOT** prevent the State from using the conviction in any subsequent criminal proceedings.
- A set aside **DOES NOT** include the refunding of fines (these are part of the condition of your sentence that must be met before a set aside can be granted).
- A set aside **DOES NOT** prevent the ADOT Motor Vehicle Division from revoking or suspending your driver license or nonresident operating privilege, or from requiring you to attend and successfully complete traffic survival school. (A.R.S. §28-3304; A.R.S. §28-3306; A.R.S. §28-3307; A.R.S. §28-3398)
- A set aside **DOES NOT** mean that you can answer “No” to a direct inquiry of whether you have ever been convicted. You must answer “Yes,” but you may qualify that answer with the information that the conviction was set aside.

### **NOTICE**

**The Judge has discretion to grant or deny (without explanation) any application to set aside a judgment.**