

STATE OF ARIZONA

vs.

\_\_\_\_\_  
Defendant's Name☐**CRIMINAL  
MISDEMEANOR  
COMPROMISE**☐**CIVIL TRAFFIC  
COMPROMISE**CASE NO.  
  
\_\_\_\_\_**A F F I D A V I T**STATE OF ARIZONA       )  
  ) ss.  
COUNTY OF PIMA       )

Pursuant to A.R.S. § 13-3981\*:

I, \_\_\_\_\_ being first duly sworn, on oath say as follows:

1. I am the person who sustained damages and/or injuries as a result of the incident which gave rise to the charges of \_\_\_\_\_ against \_\_\_\_\_, the defendant, on \_\_\_\_\_, 20\_\_\_\_.
2. I have a civil remedy for the injuries and/or damages I received:
3. I am aware that if I do not appear in court to testify against the defendant the charges against him/her will be dismissed.
4. I do not intend to appear in Court to testify against the defendant.

\_\_\_\_\_  
Date

SUBSCRIBED AND SWORN to before me this date:

My Commission Expires:

\_\_\_\_\_  
Signature\_\_\_\_\_  
Notary Public

A domestic violence case, an assault or a charge of threatening or intimidation shall not be compromised except on recommendation of the prosecuting attorney.

St. v. Larson, 159 Ariz. 14, 764 P.2d. 749.

## **MISDEMEANOR COMPROMISE**

A traffic/misdemeanor compromise **CANNOT**:

Be used when the offense is committed by or upon an on-duty officer of justice;

If the offense is committed riotously;

If the offense is committed with intent to commit a felony;

If the offense is Indecent exposure;

If the offense is disturbing the peace<sup>1</sup>;

If the offense is leaving the scene of an accident<sup>2</sup>; OR

If the offense is failure to yield the right of way<sup>3</sup>.

**The Judge may accept a misdemeanor compromise for a civil traffic citation/ticket with damages.**

Arizona Revised Statute § 13-3981 allows persons who have been injured or damaged by another person to compromise or settle the traffic or criminal case before it is set for a trial.

For instance, if the crime by its very nature gives rise to a civil remedy such as a theft charge, the victim can agree to settle for payment for his/her losses or damages. In exchange, the victim may sign a Misdemeanor Compromise form that is notarized. The prosecutor may then dismiss the charge against the cited person.

If you are the defendant or victim and wish to have the traffic/criminal case dismissed, the victim needs to completely fill out, sign and have notarized the attached form. You must return it in person to the South Tucson City Court, along with a copy of the Police Report, on the scheduled court date that was assigned to the case.

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<sup>1</sup>Formerly A.R.S.13-371, Williams, 20 Ariz. App. 282, 512 P.2d. 45.

<sup>2</sup>A.R.S. 28-661, Baumert (Vega), 125 Ariz. 429, 610 P.2d 63.

<sup>3</sup>A.R.S. 28-771, Williams, 18 Ariz. App. 394, 502 P.2d 543.