

**JUVENILE
PETITION TO
EXPUNGE
MARIJUANA-
RELATED
OFFENSE
RECORDS**

**PURSUANT TO
A.R.S. § 36-2862**

(Forms & Instructions)

Juvenile petition to expunge record of marijuana offense

Checklist

You may use the forms and instructions to ask the court to expunge your juvenile record of marijuana arrest, charge, adjudication, or disposition if . . .

- ✓ Your case was resolved in the Juvenile Department of the Superior Court of Yuma County;
- ✓ You were a minor when the action occurred;

AND

- ✓ You are eligible under the expungement statute (A.R.S. § 36-2862). Specifically, you want to expunge one or more of the following:
 - Possessing, consuming, or transporting two and one-half ounces or less of marijuana*, of which not more than twelve and one-half grams was in the form of marijuana concentrate.
 - Possessing, transporting, cultivating, or processing not more than six marijuana plants at your primary residence for personal use.
 - Possessing, using, or transporting paraphernalia related to the cultivation, manufacture, processing, or consumption of marijuana.

*marijuana includes cannabis

Do not use the forms in this packet if:

- ✗ Your case was resolved in a court other than the Juvenile Department of the Superior Court of Yuma County.
- ✗ You were arrested in Yuma County, but not charged in any court.

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 can be found on the Law Library Resource Center website.

Juvenile petition to expunge record of marijuana offense

This packet contains court forms and instructions to file for expungement of your juvenile record of marijuana offense. 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!

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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 completing a juvenile petition to expunge marijuana-related offense records pursuant to A.R.S. § 36-2862

Please read the following before completing the petition form.

Who can use the petition form:

You may seek expungement of your marijuana-related juvenile records by filing the petition form, if you were either arrested, charged, convicted or acquitted of any of the following offenses:

1. Possessing, consuming, or transporting two and one-half ounces or less of marijuana*, of which not more than twelve and one-half grams was in the form of marijuana concentrate.
2. Possessing, transporting, cultivating, or processing not more than six marijuana plants at your primary residence for personal use.
3. Possessing, using, or transporting paraphernalia related to the cultivation, manufacture, processing, or consumption of marijuana.
*marijuana includes cannabis
4. If you are seeking expungement of case records, and you had more than one eligible offense under more than one case number, file a separate petition for each case number.
5. Identify the court where you will be filing. If you will file in the Juvenile Department of the Superior Court of Yuma County, you must use the Juvenile Petition to Expunge Marijuana-Related Offenses.

Required information:

To complete the petition, you must, at a minimum, provide the court with the following information as required by Rule 36, Arizona Rules of Criminal Procedure:

1. Your name, address, date of birth, and email address, if you have an email address;
2. A description of the offense for which you are seeking expungement as stated on the petition form;
3. The name of the law enforcement agency that arrested you for the marijuana-related offense; and
4. The court's case number if your arrest resulted in a criminal complaint being filed with the court.

- Failure to provide enough details about the records you want to have expunged may result in the court dismissing your petition. If that occurs, you may file a new petition with additional details about your records.
- The court cannot order expungement of any arresting agency records if you do not identify the arresting agency. If you were represented in court by an attorney, your defense attorney may be able to provide any information needed to fill out the petition.
- You may find information about your case by contacting the Juvenile Department of the Superior Court and asking for a Records Request.

Where to file your petition:

If you are seeking expungement of ONLY law enforcement records relating to an arrest that did not result in a criminal complaint being filed in court, then you must file your petition in the superior court located in the county where you were arrested. Otherwise, you must file your petition in the court where the case was resolved by either dismissal or conviction.

Type or print neatly using black ink. Fill out all fields required by the forms. Provide any optional information known to you.

Form: Petition to Expunge Juvenile Marijuana-related Offense Records

1. At the top of the first page, type or print the name, mailing address, email address, and phone numbers of the person filing this form.
2. Under “In the Matter of:” print your first name, middle initial, last name, and date of birth above the line for Petitioner.
3. Print the case number of the case that you want the court to expunge. If you are seeking to expunge only an arrest record, leave the case number blank, the court will assign a case number when you file your petition.
4. Fill in the other blanks and check boxes with the information requested.
5. Date and sign your name and provide the contact information requested below the signature line.

Please note: If you owe fines, fees, or other monetary penalties on other non-eligible charges in the same case for which you are seeking expungement, if the court grants your petition, you will need to ask the court for a new payment plan.

If you were convicted of a felony in superior court, and the court grants your petition and restores your civil rights, in order to be eligible to vote, you must complete and submit a new voter registration form. Please refer to your County Recorder's Office for additional questions about voter registration.

Do not copy
or file this page

Procedures for completing a juvenile petition to expunge marijuana-related offense records pursuant to A.R.S. § 36-2862

Step 1: Put documents together. You will need the following forms:

- Original Petition to Expunge Juvenile Marijuana-related Offense Records.
- Optional – Any supporting documentation.

Step 2: Photocopy: Make one (1) photocopy of the documents.

Step 3: Separate the copies into two (2) document sets:

Set 1: Originals for Clerk of Superior Court <ul style="list-style-type: none">• Petition to Expunge Juvenile Marijuana-related Offense Records• Any supporting documentation (optional)	Set 2: Copies for You: <ul style="list-style-type: none">• Petition to Expunge Juvenile Marijuana-related Offense Records• Any supporting documentation (optional)
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Step 4: Go to the Clerk of Superior Court at one of the following locations:

Clerk of Superior Court
Juvenile Division
2440 W. 28t St.
Yuma, AZ 85364

Step 5: File the sets of documents with the Clerk of Superior Court.

- The Clerk will date stamp all document sets and keep the original documents.
- The Clerk will return a set to you for your records.

- Mail to or leave in external deposit box at:

Clerk of Superior Court

Juvenile Division

2440 W. 28t St.

Yuma, AZ 85364

Step 6: Wait for the Court to notify you.

- Upon filing the petition, notice of the petition will be given to the appropriate prosecutors as required by law.
- The prosecuting agency has thirty (30) days to respond to the petition.
- If you requested a hearing and a hearing is set, the Court will notify you. The petition may be ruled upon without a hearing.
- You will be mailed a signed copy of the Order granting or denying your petition at the address listed on the petition. Please be sure your current mailing address is updated with the court.
- If the Court denies your petition, you may file a direct appeal pursuant to A.R.S. § 13-4033(A)(3).



Person Filing: _____

Address (if not protected): _____

City, State, Zip Code: _____

Telephone: _____

Email Address: _____

Lawyer's Bar Number: _____

Representing Self, without a Lawyer OR Attorney for _____

**SUPERIOR COURT OF ARIZONA
IN YUMA COUNTY**

In the Matter of:

Case Number: _____

(FIRST, MI, LAST)

Address: _____

Date of Birth: _____

**PETITION TO EXPUNGE
MARIJUANA-RELATED OFFENSE
RECORDS and to RESTORE
FIREARMS RIGHTS, PURSUANT TO
A.R.S. § 36-2862**

The above-named Petitioner, pursuant to A.R.S. § 36-2862, hereby requests that the Court order expungement of Petitioner's juvenile delinquency records and restoration of Petitioner's firearms rights (if applicable). As grounds for this petition, Petitioner states as follows:

A. REQUIRED INFORMATION

1. Eligible Charge.

I hereby request that the law enforcement and court records for the following juvenile delinquency offense, eligible under ARS § 36-2862, be expunged. (Choose from the following; if you had more than one eligible offense under more than one case number, file a separate petition for each offense.)

- Possessing, consuming, or transporting two and one-half (2 ½) ounces or less of marijuana, of which not more than twelve and one-half (12 ½) grams was in the form of marijuana concentrate.
- Possessing, transporting, cultivating, or processing not more than six (6) marijuana plants at my primary residence for personal use.
- Possessing, using, or transporting paraphernalia relating to the cultivation, manufacture, processing, or consumption of marijuana.

2. Name of citing or referring/arresting law enforcement agency: _____
_____.

3. Either:

a. I have a Juvenile Court case number which is: _____
_____.

OR

b. I completed diversion. (If you completed diversion, you will not have a Juvenile Court case number.)

4. My name at the time of referral/arrest was (if different): _____
_____.

B. ADDITIONAL INFORMATION RELATED TO THE ELIGIBLE CHARGE(S)
(Complete all fields known to you)

1. I was referred/arrested on (insert date): _____.

2. Name of prosecuting agency: _____.

3. I was adjudicated delinquent for the offense: Yes No.

If Yes, insert date of adjudication here: _____.

4. One or more non-eligible charges were filed against me in this same case:

Yes No.

5. My disposition included a term of probation: Yes No.

6. My case was dismissed: Yes No.

If Yes, insert the date of dismissal here: _____.

7. There is an outstanding arrest warrant in this case: Yes No.

8. There is an active payment plan on my case: Yes No.

C. SUPPORTING DOCUMENTATION (Optional)

Attached is documentation that supports my petition. (The court may find it helpful to have documents that support your request for expungement, for example, the citation or juvenile court petition against you, adjudication and disposition order, payment plan, or any other official document showing a juvenile court case number, crime lab report showing weight of marijuana seized, or DPS or FBI case extract. However, you are not required to provide any supporting documents.)

D. HEARING REQUEST

I understand that I can request a hearing on my petition, but the court may choose to proceed without a hearing. I hereby request a hearing: Yes No.

E. ACKNOWLEDGMENT REGARDING RESTORATION OF FIREARM RIGHTS

I understand that even if I am granted restoration of my civil rights, including firearm rights pursuant to this petition, I may still be prohibited from having my civil rights restored or the right to possess and carry a firearm under other state or federal laws.

DECLARATION:

I declare under penalty of perjury that the information I have provided in this petition and any attachments is true and correct to the best of my knowledge.

I understand that this petition may be dismissed if the information I have provided is insufficient. I also understand that this petition may be denied if information in this petition is found to be inaccurate.

Petitioner's Signature

Date

Petitioner's Mailing Address

Petitioner's Email Address

Petitioner's Phone Number

To the best of my knowledge, the information provided in this petition is true and correct.

Attorney's Name Printed

Attorney's signature

Attorney's Bar Number

Attorney's Mailing Address

Attorney's Phone Number and Email Address

**SUPERIOR COURT OF ARIZONA
IN YUMACOUNTY**

<p>In the Matter Of:</p> <p>_____</p> <p><i>(FIRST, MI, LAST)</i></p> <p>Address: _____</p> <p>Date of Birth: _____</p>	<p>Case Number:</p> <p>_____</p> <p style="text-align: center;">Order Regarding Petition to Expunge Marijuana-Related Offense Records and to Restore Firearm Rights, Pursuant to ARS § 36-2862</p>
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Based on the information presented to the court, pursuant to ARS § 36-2862, the petition requests expungement of the following records:
(Check only those that apply)

- Referral/arrest records of a referral/arrest occurring on or about [insert date] by the following law enforcement agency:
_____.
- Charging documents created by the following prosecuting agency: _____.
- All court records relating to the eligible charge(s) in the case number identified above.

I. THE COURT MAKES THE FOLLOWING FINDINGS OF FACT AND CONCLUSIONS OF LAW:

(Check only those that apply)

- The Court is initially unable to act on the petition because it lacks a sufficient description of the records to be expunged. *(If this statement is selected, go directly to the Ordering section to dismiss the petition)*
- The offense described in the petition is not eligible for expungement under ARS § 36-2862.
- The petition was filed by the Prosecutor.

OR

A copy of the petition in this matter was provided to the Prosecutor.

AND

The Prosecutor timely responded to the petition.

The Prosecutor has not responded to the petition and 45 days have elapsed since a copy of the petition was provided.

The subject of the petition timely replied to the Prosecutor’s response.

Pursuant to ARS § 36-2862(B)(3), the subject of the petition is entitled to expungement of the requested records because the State **has not** met its burden by clear and convincing evidence.

Pursuant to ARS § 36-2862(B)(3), the State **has** established by clear and convincing evidence that the subject of the petition is not entitled to expungement of the requested records for the following reason(s):

II. THEREFORE, IT IS ORDERED (*check one*):

A. **DISMISSING** the petition for lack of sufficient information. A new petition may be filed with additional information.

B. **DENYING** the petition.

C. **GRANTING** the petition.

(1) IT IS FURTHER ORDERED, in accordance with A.R.S. § 36-2862

Expunging any record of the arrest, charge, adjudication and disposition identified above.

Transmitting a copy of this Order to the Arizona Department of Public Safety, the referring/arresting law enforcement agency and prosecuting agency identified above, if applicable.

(If an expungement-eligible charge was filed, complete the following):

(2) IT IS FURTHER ORDERED,

- Vacating the adjudication of delinquency and any remaining terms of disposition that the subject of the petition has not yet completed in case number: _____ as to the following expungement-eligible charge(s) only

(Check only those that apply):

Count(s) _____, ARS § 13-3405 Possession or use of marijuana, which involved

two and one-half ounces or less of marijuana, of which not more than twelve and one-half grams was in the form of marijuana concentrate, or not more than six marijuana plants.

- [] Count(s) _____, ARS § 13-3405(A) Possession or use of marijuana, which involved two and one-half ounces or less of marijuana, of which not more than twelve and one-half grams was in the form of marijuana concentrate, or not more than six marijuana plants.
- [] Count(s) _____, ARS § 13-3405(A)(1) Possession or use of marijuana, which involved two and one-half ounces or less of marijuana, of which not more than twelve and one-half grams was in the form of marijuana concentrate, or not more than six marijuana plants.
- [] Count(s) _____, A.R.S. § 13-3405(A)(3) Producing marijuana, which involved two and one-half ounces or less of marijuana, of which not more than twelve and one-half grams was in the form of marijuana concentrate, or not more than six marijuana plants.
- [] Count(s) _____, A.R.S. § 13-3405(A)(4) Transporting marijuana, which involved two and one-half ounces or less of marijuana, of which not more than twelve and one-half grams was in the form of marijuana concentrate, or not more than six marijuana plants.
- [] Count(s) _____, A.R.S. § 13-3408 Possession or use of cannabis, which involved two and one-half ounces or less of marijuana, of which not more than twelve and one-half grams was in the form of marijuana concentrate, or not more than six marijuana plants.
- [] Count(s) _____, A.R.S. § 13-3408(A) Possession or use of cannabis, which involved two and one-half ounces or less of marijuana, of which not more than twelve and one-half grams was in the form of marijuana concentrate, or not more than six marijuana plants.
- [] Count(s) _____, A.R.S. § 13-3408(A)(1) Possession or use of cannabis, which involved two and one-half ounces or less of marijuana, of which not more than twelve and one-half grams was in the form of marijuana concentrate, or not more than six marijuana plants.
- [] Count(s) _____, A.R.S. § 13-3408(A)(4) Manufacturing cannabis, which involved two and one-half ounces or less of marijuana, of which not more than twelve and one-half grams was in the form of marijuana concentrate, or not more than six marijuana plants.
- [] Count(s) _____, A.R.S. § 13-3408(A)(7) Transporting cannabis, which involved two and one-half ounces or less of marijuana, of which not more than twelve and one-half grams was in the form of marijuana concentrate, or not more than six marijuana plants.
- [] Count(s) _____, ARS § 13-3415 Possession or use of drug paraphernalia related

to marijuana.

Count(s) _____, A.R.S. § 13-3415(A) Possession or use of drug paraphernalia related to marijuana.

Count(s) _____, A.R.S. § 13-3415(B) Transporting delivering or manufacturing with intent to deliver drug paraphernalia related to marijuana.

- Cancelling all outstanding court-ordered financial obligations attached to the eligible charge(s), if applicable; and
- Sealing all court records relating to the expunged charge, adjudication, or disposition, including the Petition to Expunge and related records, and permitting access only by the subject of the petition or that person's attorney.

(Check only those that apply):

The Juvenile Probation Department shall seal all probation records relating to the eligible charge(s).

Quashing all outstanding warrants issued in this case.

OR

Quashing all outstanding warrants issued in this case and reissuing a warrant as to the counts not expunged by this Order.

(Check one):

The subject of the petition **is restored** the subject's right to possess a firearm, as to this case only. **PLEASE NOTE: Even if you are granted the right to possess a firearm pursuant to this Order you may still be prohibited from possessing a firearm under other state or federal laws or as a result of another case.**

The subject of the petition **is not restored** the subject's right to possess a firearm because the Court finds there is an ineligible adjudication under this case number.

Dated this _____ day of _____, _____

Judicial Officer