

**REDUCE CLASS 6
UNDESIGNATED
FELONY to a**

1

MISDEMEANOR

Forms and Instructions

Cochise County Self-Help

**APPLICATION TO REDUCE
CLASS 6 UNDESIGNATED FELONY
to a MISDEMEANOR**

CHECKLIST

You may use these forms if . . .

- ✓ The class six felony conviction is undesignated at the time of this application.
- ✓ Prior to admitting to or being found guilty of this class 6 undesignated felony, you had **not** been convicted of two felony offenses.
- ✓ The class 6 felony did **not** involve the intentional or knowing infliction of serious physical injury.
- ✓ 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.
- ✗ **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.

READ ME: Consulting a lawyer before filing documents with the court may help prevent unexpected results.

Cochise County Self-Help

APPLICATION TO REDUCE CLASS 6 UNDESIGNATED FELONY TO A MISDEMEANOR

This packet contains court forms and instructions to file (fill in reason for forms and instructions). 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!

Order	Title	# Pages
1	Checklist: <i>"You may use these forms if . . ."</i>	1
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The documents you have received are copyrighted by the Superior Court of Arizona in Cochise 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.

Cochise County Self-Help

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. Hours are 8:00 a.m. to 5:00 p.m. excluding holidays and weekends. They may be contacted at:
(520) 432-8600 or (520) 803-3060

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.

2ND 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:

Cochise County Attorney
150 Quality Hill Rd 2nd
Floor
Bisbee, AZ 85603

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).

Person Filing: _____
Address (if not protected): _____
City, State, Zip Code: _____
Telephone: _____
Email Address: _____
Lawyer's Bar Number: _____

For Clerk's Use Only

Representing Self, without a Lawyer or Attorney for Petitioner OR Respondent

SUPERIOR COURT OF ARIZONA IN COCHISE COUNTY

**STATE OF ARIZONA,
PLAINTIFF**

CASE NO: _____

v.

**APPLICATION TO
DESIGNATE A CLASS 6
UNDESIGNATED FELONY AS A
MISDEMEANOR**

_____,
DEFENDANT

On the _____ day of _____, 20____, I was convicted of

_____ a class 6 undesignated felony, by

Judge _____, in Cochise 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 the discharge, use or threatening exhibition of a deadly weapon or dangerous instrument.

The checked items apply to this application.

On the _____ day of _____, 20____, 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 as 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)

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

Submitted this _____ day of _____, 20____.

Defendant's Signature

Defendant's Printed Name

CERTIFICATE OF MAILING

Original + one copy filed with the Clerk of the Court this _____, 20____
Month Date Year

One copy of this document was sent via first class mail or hand-delivered this (date below),
_____, 20____
Month Date Year

To:

**Cochise County Attorney
150 Quality Hill Rd 2nd Floor
Bisbee, Arizona 85603**

OR, if the case was prosecuted by the Attorney General rather than the County Attorney,

To:

**Arizona Attorney General's Office
1275 West Washington Street
Phoenix, Arizona 85007**

**SUPERIOR COURT OF ARIZONA
IN COCHISE COUNTY**

STATE OF ARIZONA,

CASE NO: _____

PLAINTIFF

v.

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

DEFENDANT

There being good cause, IT IS ORDERED designating the class 6 undesignated felony for the conviction of the offense of _____ a misdemeanor.

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

Judicial Officer

Cochise County Self-Help

PROCEDURES: HOW TO FILE THE FORMS TO HAVE YOUR CLASS 6 UNDESIGNATED FELONY RE-CLASSIFIED AS A MISDEMEANOR

STEP 1: Complete the **Application** and the **Order** (except for the Judge's signature), and:
Make **3** copies of the **Application**, and
Make **2** copies of the **Order**,

STEP 2: **Prepare 2 envelopes, including postage:** (if applicable* – see below)
Address one to the prosecutor's office as directed in the "Instructions" document.*
Address one to yourself (if you want the Court to mail the decision to you).

* *If hand-delivering* to the prosecutor's office you may simply deliver the **Application** without envelope (or in an envelope without postage).

STEP 3: **GO TO THE CLERK OF COURT FILING COUNTER TO FILE YOUR PAPERS.**
The Court is open from 8am-5pm, Monday-Friday. You may file your papers at any of the following Superior Court locations:

100 Quality Hill Rd
Bisbee, AZ 85603
OR
100 Colonia de Salud Ste 200
Sierra Vista, AZ 85635

Give **ALL four** of the **Application** forms to the Clerk at the Filing Counter. There is **NO FEE** for filing this **Application**. The clerk will stamp the original and copies, keep the original, **and return the copies to you.**

- One copy is for the prosecutor's office. Hand-deliver or insert **Application** in envelope and mail.
- One copy is for the Judicial Officer assigned to your case.
- One copy is for you to keep for your records.

STEP 4:

Go to Criminal Court Administration (Ask Filing Counter for location). Deliver to the in-box of the Judge or Commissioner assigned to your case:

- **1 copy of the APPLICATION,**
- **2 copies of the ORDER,** and
- **The self-addressed stamped envelope addressed back to you.**

If you do not know which Judicial Officer is currently assigned to your case, you may call Clerk of Superior Court at **(520) 432-8600 or (520) 803-3060,**

Clerk of Superior Court, 100 Quality Hill Rd, Bisbee, AZ 85603 OR 100 Colonia de Salud Ste 200, Sierra Vista, AZ 85635

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 within **30** business days, you may inquire with the Clerk of the Court at **(520) 432-8600 OR (520) 803-3060**