

# ATTACHMENT II

## Proposed Forms

(begin on next page)



STATE OF ARIZONA -vs-  Defendant (FIRST, MI, LAST)	Plaintiff
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[CASE/COMPLAINT NO.]
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<b>SUMMONS</b>
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TO:

**YOU ARE SUMMONED** to appear before this court for the following reason:

*[(List reason for summons; e.g., filing of indictment, information, or complaint (list charges or other reasons)).]*

**YOU ARE ORDERED TO REPORT** on \_\_\_\_\_, 20\_\_ at \_\_\_\_\_ a.m./p.m.

**LOCATED AT:**

**IF YOU FAIL TO APPEAR AS ORDERED, A WARRANT MAY BE ISSUED FOR YOUR ARREST.**

Yes  No **YOU ARE ALSO ORDERED** to appear at \_\_\_\_\_ [name of entity and address] \_\_\_\_\_  
(Yes required for all felonies ) \_\_\_\_\_ between the hours of \_\_\_\_\_ a.m./p.m. at any time prior to your court appearance date to be photographed and fingerprinted.

Date: \_\_\_\_\_  
\_\_\_\_\_ Judicial Officer

**Requests for reasonable accommodation for persons with disabilities must be made to the court by parties at least 3 working days in advance of a scheduled court proceeding.**

**CERTIFICATE OF PERSONAL SERVICE**

I swear that I personally served this summons as follows:

Date Received: \_\_\_\_\_ Date Served: \_\_\_\_\_ Time Served: \_\_\_\_\_

Person Served: \_\_\_\_\_

Location Where Served: \_\_\_\_\_  
\_\_\_\_\_ County.

\_\_\_\_\_  
Officer Serving Summons

**CERTIFICATE OF SERVICE BY MAILING**

I certify that a copy of this document was sent by Registered or Certified mail, return receipt requested, to the defendant at the above-listed address.

Dated: \_\_\_\_\_  
\_\_\_\_\_ CLERK

STATE OF ARIZONA -vs-  Defendant (FIRST, MI, LAST)	Plaintiff
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[CASE/COMPLAINT NO.]  Booking No. _____
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<b>RELEASE QUESTIONNAIRE</b> (To be completed by Law Enforcement)
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Alias(es) \_\_\_\_\_

(Check and explain where applicable)

**A. GENERAL INFORMATION**

Charges:

Offense Location:

Arrest Location:

Date of Arrest:

Date of Offense:

1. Defendant is presently on probation, parole, or any other form of release involving other charges or convictions.

Explain:

2. List any prior:

Arrests:

Convictions:

FTAs:

**B. PROBABLE CAUSE STATEMENT**

Summarize and include the facts which establish probable cause for the arrest:

3. There is an indication of:

Alcohol Abuse

Other Substance Abuse

Mental Health Issues

Physical Illness

Developmental Disability

Explain:

4. Defendant is currently employed by:

Address:

Phone:

How long:

5. Defendant currently resides at:

How Long:

Alternate address for court notification:

6. Facts to indicate defendant will flee if released:

7. Reasons to oppose an unsecured release:

**C. OTHER INFORMATION**

**D. CIRCUMSTANCES OF THE OFFENSE**

Defendant used firearm or other weapon

Type:

Defendant injured someone

Medical attention was necessary

Nature of injuries:

Defendant threatened someone

Extent of threats:

If property offense, value of property taken or damaged:

Property was recovered

Names of co-defendant(s), if any:

**E. CRIMES AGAINST PERSONS**

1. Relationship of defendant to victim:

2. The situation was brought to the attention of the police by

Victim  Third Party  Officer observed

3.  Previous incidents involving these same parties

Explain:

4. Defendant is currently the subject of:

An order of protection

Injunction against harassment

Any other court order

5.  There is likelihood for inappropriate contact

with victim(s) Explain:

**F. DOMESTIC VIOLENCE DEFENDANT ISSUES**

Access to or use of weapons:

Children/Vulnerable adults present:

Crime occurred in public:

Control/ownership/jealousy issues:

Depression

Frequency/intensity of DV increasing:

Kidnapping:

Potential for multiple violations of court orders:

Prior history of DV:

Recent separations:

Stalking behavior:

Threats of homicide/suicide/bodily harm:

Violence against children, vulnerable adults, or animals:

(Explan

**G. CIRCUMSTANCES OF ARREST**

1. Did defendant attempt to:

Avoid arrest

Resist arrest

Self Surrender

Explain:

2.  Defendant was armed when arrested

Type of weapon:

3.  Evidence of the offense was found in defendant's possession

Explain:

4. State whether defendant was under the influence of alcohol or drugs at the time of the offense

Yes  No  Unknown

Type of substance:

**H. DRUG OFFENSES**

1. If the defendant is considered to be a drug dealer, state the supporting facts:

2. State quantities and types of illegal drugs directly involved with offense

Drug field test completed:

Defendant admission of drug type:

Approximate monetary value of drugs:

3. State whether money was seized

Yes  No

Amount:

I certify that the information presented is true to the best of my knowledge:

\_\_\_\_\_/\_\_\_\_\_  
Arresting Officer / Serial No.

\_\_\_\_\_  
Contact Phone No.

\_\_\_\_\_  
Date

**If this is a fugitive arrest an affidavit shall be completed as required by Uniform Criminal Extradition Act (ARS 13-3841 et seq.)**

STATE OF ARIZONA -vs-  Defendant (FIRST, MI, LAST)	Plaintiff
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[CASE/COMPLAINT NO.]  Booking No. _____
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<b>RELEASE QUESTIONNAIRE</b> (To be completed by Defendant)
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Alias(es) \_\_\_\_\_

The following information is for the purpose of determining the conditions under which you may be released at this time. You are not required to answer any question if you feel the answer might be harmful to you. The answers you give to the following questions will be used by the court for the purpose of determining the conditions of your release. However, your answers will be checked against the information supplied by the police, and with the references you yourself give on the form. Any discrepancies may result in higher bail or harsher conditions of release. **Any information you give may be used against you in this or any other matter.**

**General Background**

**1. Background and Residence**

Full Name: \_\_\_\_\_

Sex \_\_\_\_\_ Race \_\_\_\_\_ Date of Birth \_\_\_\_\_

[Place of Birth [city, state, country] \_\_\_\_\_]

Present Citizenry \_\_\_\_\_

If you are not a citizen, how long have you been in this country? \_\_\_\_\_ ]

Present Address \_\_\_\_\_

How long have you lived at the above address? \_\_\_\_\_

Telephone No. (\_\_\_\_) \_\_\_\_\_ Cell No. (\_\_\_\_) \_\_\_\_\_

Where else have you lived in the past year and for how long?

\_\_\_\_\_  
\_\_\_\_\_

Where will you go if released today? \_\_\_\_\_

**2. Family**

Are you married?  Yes  No If so, are you living with your spouse?  Yes  No

How many other persons (including your children) are living with you? \_\_\_\_\_

How much do you contribute to their support? \_\_\_\_\_

Do you have regular contact with any other relatives?  Yes  No

Explain \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

**3. Employment**

Are you presently employed?  Yes  No If not, what is your principal means of support?

Explain \_\_\_\_\_

Employer's Name \_\_\_\_\_

Address \_\_\_\_\_

Telephone No. (\_\_\_\_) \_\_\_\_\_

What is the nature of your job? \_\_\_\_\_

How long have you worked there? \_\_\_\_\_

**4. Criminal Record**

Do you have any previous criminal record?  Yes  No

Explain \_\_\_\_\_  
\_\_\_\_\_

**5. Record of Appearance**

Have you ever been released on bail or other conditions pending trial?  Yes  No

Did you ever fail to appear as required?  Yes  No

Explain \_\_\_\_\_  
\_\_\_\_\_

**6. Supervision**

Is there any organization (e.g., church, union, or club) or any person who might agree to supervise you and be responsible for your return to court as required?  Yes  No

Organization or person to contact \_\_\_\_\_

	( )			( )
Address	City	State	Zip	Telephone

**7. Other Circumstances**

Are there any other matters (such as your health or illness in your family) which you feel the court should consider in making its decision? \_\_\_\_\_

**8. Verification**

Is there any other friend, relative, neighbor, minister or other person who can be called as a reference for this information?

				( )
Name	Address	City	State	Zip
				Telephone

				( )
Name	Address	City	State	Zip
				Telephone

				( )
Name	Address	City	State	Zip
				Telephone

I certify, under penalty of perjury, that the information presented is true and correct to the best of my knowledge.

\_\_\_\_\_  
Defendant Signature

\_\_\_\_\_  
Contact Telephone No.

\_\_\_\_\_  
Date

STATE OF ARIZONA -vs-  Defendant (FIRST, MI, LAST)	Plaintiff
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[CASE/COMPLAINT NO.]
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<b>DEFENDANT'S FINANCIAL STATEMENT (Confidential)</b>
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**INSTRUCTIONS TO THE DEFENDANT:** You are to answer the following questions so the Judge can decide whether to appoint an attorney to represent you and/or, if a bond is required, how much it should be, or any other matter relating to indigence. Use care in filling in your answers. If you need more space for any answer, note such and write on the back of the page. If you knowingly give false or misleading information, you may be punished for contempt of court or subjected to prosecution for fraud or perjury.

1. Full name: \_\_\_\_\_
2. Check the appropriate box:  Single  Married, living w/ spouse  Married but separated  Divorced  Widowed  Partnered
3. In addition to yourself, how many other adults do you support? \_\_\_\_\_ How many children? \_\_\_\_\_

• **INCOME:**

4. List below in Column 1 the money that you are paid or receive each month. If you are married and are living with your spouse, list below in Column 2 the money that your spouse is paid or receives each month. If you are separated, divorced, widowed, partnered, or single, leave Column 2 blank.

	Column 1 Amount paid to <b>Me</b> Monthly	Column 2 Amount paid to <b>Spouse</b> Monthly
a. Wages, Salaries, Self Employment Income	\$ _____	\$ _____
b. Payroll deductions	\$ _____	\$ _____
c. Unemployment compensation	\$ _____	\$ _____
d. Welfare benefits	\$ _____	\$ _____
e. Disability benefits	\$ _____	\$ _____
f. Veteran's benefits	\$ _____	\$ _____
g. Social Security benefits	\$ _____	\$ _____
h. Worker's compensation	\$ _____	\$ _____
i. Accident benefits	\$ _____	\$ _____
j. Retirement benefits	\$ _____	\$ _____
k. Allotment checks	\$ _____	\$ _____
l. Interest	\$ _____	\$ _____
m. Dividends	\$ _____	\$ _____
n. Child support received	\$ _____	\$ _____
o. Alimony or maintenance received	\$ _____	\$ _____
p. Total of any other income received	\$ _____	\$ _____

Source: \_\_\_\_\_

**TOTAL MONTHLY INCOME:**

\$ _____
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\$ _____
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• **ASSETS:**

**Cash**

5. List below the amounts of cash held or value of:
  - a. Cash on you, your spouse, or in your jail property, and at home \$ \_\_\_\_\_
  - b. Cash in banks, credit unions, and elsewhere \$ \_\_\_\_\_
  - c. Cash owed to you or to your spouse by others \$ \_\_\_\_\_
  - d. Stocks and bonds; insurance policy cash values \$ \_\_\_\_\_
  - e. Beneficial interest in a trust \$ \_\_\_\_\_

**Personal Property**

6. List below any valuable personal property you own and have not listed above which is not needed by you or your family for day-to-day living.
 

a. Description _____	\$ _____ (value)	\$ _____ (owed)	\$ _____ (net value)
b. Description _____	\$ _____ (value)	\$ _____ (owed)	\$ _____ (net value)
c. Description _____	\$ _____ (value)	\$ _____ (owed)	\$ _____ (net value)

7. **Auto:** Complete the following information about any motor vehicles (e.g.: cars, trucks, trailers, boats, airplanes, motorcycles) that you are buying, that you own, or in which you claim to have an interest.
- a. Make, Year and Model \_\_\_\_\_ \$ \_\_\_\_\_ (value) \$ \_\_\_\_\_ (owed) \$ \_\_\_\_\_ (net value)
- b. Make, Year and Model \_\_\_\_\_ \$ \_\_\_\_\_ (value) \$ \_\_\_\_\_ (owed) \$ \_\_\_\_\_ (net value)
8. **Real Estate:** Complete the following information about any real property (your home, other land, or buildings) that you are buying, that you own, or in which you claim to have an interest.
- a. Location \_\_\_\_\_ \$ \_\_\_\_\_ (value) \$ \_\_\_\_\_ (owed) \$ \_\_\_\_\_ (net value)
- b. Location \_\_\_\_\_ \$ \_\_\_\_\_ (value) \$ \_\_\_\_\_ (owed) \$ \_\_\_\_\_ (net value)

**TOTAL AVAILABLE ASSETS:**

\$ \_\_\_\_\_

• **EXPENSES:**

9. List below all monthly expenses **not already deducted** from your pay.
- a. Rent or house payment \$ \_\_\_\_\_
- b. Total cost of utilities (water, electric, gas, telephone, trash) \$ \_\_\_\_\_
- c. Food \$ \_\_\_\_\_
- d. Credit card payments \$ \_\_\_\_\_
- e. Installment loan payments \$ \_\_\_\_\_
- f. Charge account payments \$ \_\_\_\_\_
- g. Motor vehicle payments \$ \_\_\_\_\_
- h. Union dues \$ \_\_\_\_\_
- i. Medical care costs (doctors, dentists, medicine) \$ \_\_\_\_\_
- j. Child support and alimony \$ \_\_\_\_\_
- k. Cost of baby-sitter \$ \_\_\_\_\_
- l. Motor vehicle insurance, maintenance, and gas \$ \_\_\_\_\_

10. Do you have any expenses (monthly or otherwise) not shown above? If yes, please list below.

- a. \_\_\_\_\_ (how often paid) \$ \_\_\_\_\_ (how much)
- b. \_\_\_\_\_ (how often paid) \$ \_\_\_\_\_ (how much)
- c. \_\_\_\_\_ (how often paid) \$ \_\_\_\_\_ (how much)

**TOTAL MONTHLY EXPENSES:**

\$ \_\_\_\_\_

11. Are any of your expenses past due? If yes, please list below.

- a. \_\_\_\_\_ (how often paid) \$ \_\_\_\_\_ (how much)
- b. \_\_\_\_\_ (how often paid) \$ \_\_\_\_\_ (how much)
- c. \_\_\_\_\_ (how often paid) \$ \_\_\_\_\_ (how much)

12. Do you have an attorney to help you with this case?  Yes  No

If yes, what is his/her name: \_\_\_\_\_ If no, are you planning to hire your own attorney?  Yes  No

13. Do you want the Court to appoint an attorney (public defender) to help you with this case?  Yes  No

- a. How much can you pay as a down payment for attorney fees? \$ \_\_\_\_\_
- b. How much can you pay each month for attorney fees? \$ \_\_\_\_\_

14. **Oath under penalty of perjury:** I have truthfully and completely given the information in this statement. I have not knowingly concealed information, or in any way misrepresented, my financial resources. I am aware that I may be held in contempt of court, or prosecuted for perjury if I have made any false statements or misrepresentation, or if I continue to accept the services of a court appointed attorney after my financial condition has materially changed without notifying my court appointed attorney. In any such case, I understand that this application may be used against me.

I hereby make these representations under **PENALTY OF PERJURY:**

Date: \_\_\_\_\_

Defendant Signature: \_\_\_\_\_

Witnessed by: \_\_\_\_\_

Social Security No.: \_\_\_\_\_

Form

STATE OF ARIZONA -vs-  Defendant (FIRST, MI, LAST)	Plaintiff
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[CASE/COMPLAINT NO.]
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<b>MOTION FOR APPOINTMENT OF COUNSEL, ORDERS AND RECOMMENDATIONS</b>
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**MOTION FOR APPOINTMENT OF COUNSEL**

Defendant moves for the appointment of Counsel and declares that Defendant's financial circumstances will not allow the hiring of a private attorney in this case.

Signature \_\_\_\_\_ Date \_\_\_\_\_ Phone No. \_\_\_\_\_

Address \_\_\_\_\_

**ORDER**

Motion for Court Appointed Counsel is granted.  
(Check if applicable)

A financial assessment is ordered for a recommendation to the Court as to defendant's eligibility and any contribution amount to the cost of the court appointed attorney.

Legal Services to be provided by \_\_\_\_\_

Motion for court appointed attorney is denied.

Judicial Officer \_\_\_\_\_ Date \_\_\_\_\_ Courtroom \_\_\_\_\_

**RECOMMENDATION AFTER FINANCIAL ASSESSMENT**

(If applicable)

The following recommendation is made after a financial assessment based upon the Defendant's financial circumstances and documentation:

That Defendant be assessed \$ \_\_\_\_\_ as Defendant's contribution to the cost of the court appointed attorney.

That the Order granting a court appointed attorney be vacated or motion for appointment be denied because:

The Defendant has adequate resources to obtain the services of a private attorney.

The Defendant did not provide sufficient financial documentation.

**Evaluator's Initials** \_\_\_\_\_

**ORDER AFTER FINANCIAL ASSESSMENT**

(If applicable)

After consideration of the above recommendations and review of the record, **IT IS FURTHER ORDERED:**

The appointment of the above-listed attorney is granted to represent the Defendant at all court proceedings through the filing of a Notice of Appeal. The Defendant is to contribute \$ \_\_\_\_\_ to the cost of the Court appointed attorney.

The above Order granting a court appointed attorney is vacated or an initial Order granting a court appointed attorney, after financial assessment, is denied. The Defendant is advised to seek the services of a private attorney. A motion for Appointment of Counsel may be renewed if financial circumstances change.

Judicial Officer \_\_\_\_\_ Date \_\_\_\_\_ Courtroom \_\_\_\_\_

STATE OF ARIZONA

Plaintiff

-vs-

Defendant (FIRST, MI, LAST)

RELEASE ORDER

IT IS HEREBY ORDERED the defendant be released on the listed charges as indicated and comply with the following Release Conditions while pending disposition.

(BA = Bond applies to line #s)

Table with columns: LINE #, COMPLAINT NO., VIOLATION CODE, UR, NF, OR, 3P, BOND, BA, U, S, C, NB. Rows 1-5 show bond amounts and release conditions.

(UR = unconditional release; NF = charge not filed; OR = own recognizance release; 3P = 3rd party custody; U = unsecured app.bond; S = secured app.bond; C = cash only; NB = non-bondable)

BOND: If you cannot post a bond of \$ \_\_\_\_\_ you will be taken to your next court hearing on \_\_\_\_\_. If you are released from jail, you must follow all release conditions and appear at court as indicated below:

MANDATORY AND STANDARD CONDITIONS OF RELEASE:

- 1. Appear at \_\_\_\_\_ Court on: \_\_\_\_\_
at \_\_\_\_\_ a.m. / p.m., Courtroom: \_\_\_\_\_ for \_\_\_\_\_ and attend all future court hearings.
2. Violate no federal, state or local laws.
3. Not leave the state of Arizona without written permission from the court.
4. Diligently pursue any appeal if released from custody after judgment and sentence have been imposed.
5. Maintain contact with your attorney.
6. Provide a current address and phone number to the Court and to your attorney and immediately notify both of any changes.
7. Not threaten or initiate any type of contact with the alleged victim(s).
8. Not drive a motor vehicle without a valid driver's license in your possession.

OTHER CONDITIONS OF RELEASE:

- 9. Not threaten or initiate any type of contact with any person as specified here: \_\_\_\_\_
10. Not possess weapons as specified here: \_\_\_\_\_
11. Not consume any alcoholic beverages.
12. Not go to locations as specified here: \_\_\_\_\_
13. Comply with the assigned pretrial supervision program as specified here: \_\_\_\_\_
14. Comply with 3rd party custody release conditions as specified here: \_\_\_\_\_ See 3rd party obligations on back
15. Contact probation or parole officer.
16. Appear as directed for fingerprinting and photographing.
17. Other: \_\_\_\_\_

CONSEQUENCES OF VIOLATING THIS ORDER: You have the right to be present at your trial and at all other proceedings in your case, and if you fail to appear, a warrant will be issued for your arrest and the trial or proceeding may be held without you.

If you violate any condition of an appearance bond, the court may order the bond and any related security deposit forfeited to the state of Arizona. In addition, the court may issue a warrant for your arrest upon learning of any violation of the conditions of release. After a hearing, if the court finds that you have not complied with the release conditions, the court may modify the conditions or revoke the release altogether.

If you are released on a felony charge, and the court finds the proof evident or the presumption great that you committed a felony during the period of release, the court must revoke your release. You may also be subject to an additional criminal charge, and upon conviction you could be punished by imprisonment in addition to the punishment which would otherwise be imposable for the crime committed during the period of release. Upon finding that you violated conditions of release, the court may also find you in contempt of court and sentence you to a term of imprisonment, a fine, or both.

ACKNOWLEDGEMENT: I fully understand and will comply with all release conditions indicated above and further understand the consequences should I violate any part of this order.

Current address where you live Apt. No.
Phone No.

Address where you receive mail if different from current address
Phone No.

X Defendant Signature Date

X Judicial Officer Date



**FORM 7 ATTACHMENT A**

**SPECIFICATION BY SURETY OF PROPERTY  
CERTIFIED IN APPEARANCE BOND**

\_\_\_\_\_, surety on the attached appearance bond, certifies that he or she owns the following properties, subject to the stated exemptions and liabilities, and to the stated outstanding appearance bonds entered into by the defendant.

**I. Properties, Less Exemptions and Liabilities.**

<u>Items of Property</u>	<u>Value or Amount</u>	
(1) _____	_____	
Less _____	_____	
Net.. .. .	_____	_____
(2) _____	_____	
Less _____	_____	
Net.. .. .	_____	_____
(3) _____	_____	
Less _____	_____	
Net.. .. .	_____	_____
(4) _____	_____	
Less _____	_____	
Net.. .. .	_____	_____
Total.....	_____	\$ _____

**II. Other Outstanding Liabilities or Exemptions.**

(1) _____	_____	_____
(2) _____	_____	_____
(3) _____	_____	_____
(4) _____	_____	_____
Total.....	_____	\$ _____

**Other Outstanding Appearance Bonds.**

(1) _____	_____	_____
(2) _____	_____	_____
(3) _____	_____	_____
(4) _____	_____	_____
Total.....	_____	\$ _____

**III. Total Property in Excess of Liabilities, Exemptions, and Outstanding Appearance Bonds (I less II and III).**

\$ \_\_\_\_\_

STATE OF ARIZONA -vs-  Defendant (FIRST, MI, LAST)	Plaintiff
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<b>APPEARANCE BOND</b>
----------------------------

In accordance with the terms of a release order or warrant issued on \_\_\_\_\_ 20\_\_\_\_\_,  
(month/day)  
 by Judicial Officer \_\_\_\_\_ of the \_\_\_\_\_ court, of \_\_\_\_\_,  
(city, justice, or county)  
 State of Arizona, the defendant, \_\_\_\_\_ and the defendant's surety \_\_\_\_\_  
 \_\_\_\_\_ hereby promise to pay the State of Arizona the sum of \_\_\_\_\_ dollars (\$ \_\_\_\_\_),  
(If none, so state),  
 in the event the defendant fails to appear at \_\_\_\_\_  
 at \_\_\_\_\_ a.m./p.m. on \_\_\_\_\_ 20\_\_\_\_\_, or during the pendency of the case to  
(month/day)  
 appear to answer the charges or to submit to the orders and process of the court having jurisdiction of  
 the case.

**SECURITY**

- Secured Appearance Bond    ( ) The defendant hereby deposits with the court cash or property of value in the full amount of this bond, the same to be forfeited in the event the defendant fails to comply with its conditions.
- OR**
- ( ) \_\_\_\_\_ surety for the defendant, hereby swears (or affirms) that the surety is not an attorney or person authorized to take bail, and that the surety owns property in this state (or is a resident of this state owning property) worth the amount of this bond, exclusive of property exempt from execution and above and over all liabilities, as detailed in Attachment A.

**ACKNOWLEDGEMENTS**

Subscribed and sworn to before me on \_\_\_\_\_ 20\_\_\_\_\_,  
(month/day)

\_\_\_\_\_  
 Notary Public  
 \_\_\_\_\_  
 My Commission Expires

**WARNING:** IF YOU DO NOT APPEAR AS REQUIRED, THIS BOND MAY BE FORFEITED AND THE PROCEEDINGS BEGIN WITHOUT YOU.

**Approved:**

\_\_\_\_\_  
Judicial Officer or Clerk of Court

\_\_\_\_\_  
Defendant

\_\_\_\_\_  
Date

\_\_\_\_\_  
Surety or Authorized Agent

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[CASE/COMPLAINT NO.]
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<p style="text-align: center;"><b>WAIVER OF COUNSEL</b></p>
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**READ THE ENTIRE FORM CAREFULLY BEFORE SIGNING IT**

You have elected to proceed without an attorney either because:

- you do not want an attorney,
- the court has determined that you are not entitled to a court appointed attorney and you choose not to retain one.

The purpose of this form is to notify you of your right to an attorney, and of the ways in which an attorney can be important to you in this case, and also to allow you to give up your rights if you so choose.

I understand that I am charged with the following crime(s) under the laws of Arizona:

- \_\_\_\_\_ which is a class \_\_\_\_, felony/misdemeanor
- \_\_\_\_\_ which is a class \_\_\_\_, felony/misdemeanor
- \_\_\_\_\_ which is a class \_\_\_\_, felony/misdemeanor
- \_\_\_\_\_ which is a class \_\_\_\_, felony/misdemeanor
- \_\_\_\_\_ which is a class \_\_\_\_, felony/misdemeanor

I understand that if I am found guilty, I can be given a severe punishment, including incarceration  in the Arizona State Prison,  in the \_\_\_\_\_ County Jail,  a fine, or other penalty.

I understand that under the Constitutions of the United States and the State of Arizona, I have the right to be represented by an attorney at all critical stages of this criminal case: before trial, at trial itself, during sentencing proceedings, and on an appeal. I understand that, for certain offenses, if I am unable to obtain the services of an attorney without incurring substantial hardship to myself or to my family, one will be appointed for me at a reduced cost or at no cost to me.

I understand that the services of an attorney can be of great value in determining, for example: if the charges against me are sufficient as a matter of law; whether the procedures used in investigating the charges and obtaining evidence against me, including the lawfulness of any search, seizure, or police questioning; if an act I may have committed actually amounts to the crime for which I am charged; if I have any other valid defense to the charges; if I am found guilty, whether I should be placed on probation, be required to pay a fine, or be sentenced to a term of incarceration; or if appellate review would be justified. I understand that if I am found guilty of the offense charged the Court may sentence me to a term of incarceration, even though I have given up my right to an attorney.

**RIGHT TO AN ATTORNEY AT ANY TIME**

I understand that I can change my mind about having an attorney at any time by asking the judge to appoint an attorney for me or by hiring my own attorney. I also understand that I will not be entitled to repeat any part of the case already held or to delay scheduled court proceedings based solely on changing my mind about having an attorney.

**CERTIFICATION AND WAIVER**

I certify that I have read and understand all of the above, and I hereby waive my right to an attorney in this case and to have an attorney appointed at a reduced cost or at no cost to me, for eligible offenses, if I cannot afford one.

**DO NOT SIGN THIS FORM UNLESS YOU HAVE READ IT COMPLETELY OR HAD IT READ TO YOU, AND YOU UNDERSTAND IT FULLY. DO NOT SIGN THIS FORM IF YOU WANT AN ATTORNEY.**

Dated \_\_\_\_\_ Defendant \_\_\_\_\_ Interpreter \_\_\_\_\_

**FINDING**

After advising the defendant of the dangers and disadvantages of self-representation, the Court finds that the defendant's waiver of counsel is knowing, voluntary, and intelligent.

Dated \_\_\_\_\_ Judicial Officer's Signature \_\_\_\_\_

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---	-----------

[CASE/COMPLAINT NO.]
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<p style="text-align: center;"><b>WAIVER OF COUNSEL</b></p>
---

**READ THE ENTIRE FORM CAREFULLY BEFORE SIGNING IT**

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- you do not want an attorney,
- the court has determined that you are not entitled to a court appointed attorney and you choose not to retain one.

The purpose of this form is to notify you of your right to an attorney, and of the ways in which an attorney can be important to you in this case, and also to allow you to give up your rights if you so choose.

I understand that I am charged with the following crime(s) under the laws of Arizona:

- \_\_\_\_\_ which is a class \_\_\_\_, felony/misdemeanor
- \_\_\_\_\_ which is a class \_\_\_\_, felony/misdemeanor
- \_\_\_\_\_ which is a class \_\_\_\_, felony/misdemeanor
- \_\_\_\_\_ which is a class \_\_\_\_, felony/misdemeanor
- \_\_\_\_\_ which is a class \_\_\_\_, felony/misdemeanor

I understand that if I am found guilty, I can be given a severe punishment, including incarceration  in the Arizona State Prison,  in the \_\_\_\_\_ County Jail,  a fine, or other penalty.

I understand that under the Constitutions of the United States and the State of Arizona, I have the right to be represented by an attorney at all critical stages of this criminal case: before trial, at trial itself, during sentencing proceedings, and on an appeal. I understand that, for certain offenses, if I am unable to obtain the services of an attorney without incurring substantial hardship to myself or to my family, one will be appointed for me at a reduced cost or at no cost to me.

I understand that the services of an attorney can be of great value in determining, for example: if the charges against me are sufficient as a matter of law; whether the procedures used in investigating the charges and obtaining evidence against me, including the lawfulness of any search, seizure, or police questioning; if an act I may have committed actually amounts to the crime for which I am charged; if I have any other valid defense to the charges; if I am found guilty, whether I should be placed on probation, be required to pay a fine, or be sentenced to a term of incarceration; or if appellate review would be justified. I understand that if I am found guilty of the offense charged the Court may sentence me to a term of incarceration, even though I have given up my right to an attorney.

**RIGHT TO AN ATTORNEY AT ANY TIME**

I understand that I can change my mind about having an attorney at any time by asking the judge to appoint an attorney for me or by hiring my own attorney. I also understand that I will not be entitled to repeat any part of the case already held or to delay scheduled court proceedings based solely on changing my mind about having an attorney.

**CERTIFICATION AND WAIVER**

I certify that I have read and understand all of the above, and I hereby waive my right to an attorney in this case and to have an attorney appointed at a reduced cost or at no cost to me, for eligible offenses, if I cannot afford one.

**DO NOT SIGN THIS FORM UNLESS YOU HAVE READ IT COMPLETELY OR HAD IT READ TO YOU, AND YOU UNDERSTAND IT FULLY. DO NOT SIGN THIS FORM IF YOU WANT AN ATTORNEY.**

Dated \_\_\_\_\_ Defendant \_\_\_\_\_ Interpreter \_\_\_\_\_

**FINDING**

After advising the defendant of the dangers and disadvantages of self-representation, the Court finds that the defendant's waiver of counsel is knowing, voluntary, and intelligent.

Dated \_\_\_\_\_ Judicial Officer's Signature \_\_\_\_\_

STATE OF ARIZONA -vs-  Defendant (FIRST, MI, LAST)	Plaintiff
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[CASE/COMPLAINT NO.]
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<b>NOTICE OF APPEARANCE</b>
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Pursuant to Rule 6.3, Rules of Criminal Procedure, I hereby enter my appearance on behalf of the above-named Defendant for all further proceedings in this case, including the filing of a Notice of Appeal, if required.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Attorney's Signature

\_\_\_\_\_  
Attorney's Name (please print)

\_\_\_\_\_  
Attorney's Bar Number

\_\_\_\_\_  
Firm Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
City State Zip

\_\_\_\_\_  
Telephone Number

STATE OF ARIZONA -vs-  Defendant (FIRST, MI, LAST)	Plaintiff
---	-----------

[CASE/COMPLAINT NO.]
----------------------

<b>WAIVER OF PRELIMINARY HEARING</b>
--

**READ THE ENTIRE FORM CAREFULLY BEFORE SIGNING IT**

**WAIVER OF PRELIMINARY HEARING**

You are entitled to a preliminary hearing on the charges against you. The purpose of this form is to notify you of your rights and of the ways in which the hearing could benefit you, and to allow you to give up your rights if you so choose.

**RIGHT TO PRELIMINARY HEARING**

I understand that I am charged with the crimes of \_\_\_\_\_

\_\_\_\_\_ which is a [misdemeanor] [felony] under the law of Arizona and that if I am found guilty I can be given a severe punishment, including jail, prison, a fine, probation, or other penalties.

I understand that under the Arizona Constitution I have a right to a preliminary hearing at which a magistrate, without making any determination of my guilt or innocence, will decide whether there is sufficient evidence against me to establish probable cause to try me on these charges. I understand that I have a right to a lawyer at the preliminary hearing, and that if I am unable to obtain the services of a lawyer without incurring substantial hardship to myself or to my family, one will be furnished for me free of charge.

I understand that the prosecutor would be required to present witnesses and evidence against me at such a hearing to demonstrate that there is probable cause to try me on the charges and that I would have the right to cross-examine such witnesses and to present evidence of my own innocence. I understand that if the prosecutor failed to show probable cause to try me, the charges against me would be dismissed.

I understand that giving up my right to a preliminary hearing gives the state the right to try me for the offenses charged without any determination of probable cause by a magistrate.

**CERTIFICATION AND WAIVER**

I certify that I have read and understand all of the above, and I hereby waive my right to a preliminary hearing in this case.

**DO NOT SIGN THIS FORM UNLESS YOU HAVE READ IT COMPLETELY OR HAD IT READ TO YOU, AND YOU UNDERSTAND IT FULLY. DO NOT SIGN THIS FORM IF YOU WANT A PRELIMINARY HEARING.**

\_\_\_\_\_  
Date

\_\_\_\_\_  
Defendant

I have explained the significance of the preliminary hearing to the defendant and consent to waiver of a preliminary hearing in this case.

\_\_\_\_\_  
Defense Attorney

\_\_\_\_\_  
Bar Number

I consent to waiver of a preliminary hearing in this case.

\_\_\_\_\_  
Prosecutor

STATE OF ARIZONA -vs-  Defendant (FIRST, MI, LAST)	Plaintiff
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[CASE/COMPLAINT NO.]
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<b>BIND-OVER ORDER</b>
----------------------------

**ORDER HOLDING DEFENDANT TO ANSWER BEFORE THE SUPERIOR COURT**

The Court ORDERS that the defendant \_\_\_\_\_ be held to answer before the superior court, in \_\_\_\_\_ Precinct, \_\_\_\_\_ County, Arizona for the listed charges:

I find that there is probable cause to believe that the above offense(s) has/have been committed and that the defendant committed them.

The defendant waived a preliminary hearing on the charge(s).

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Judicial Officer

\_\_\_\_\_  
Printed Name and Title of Judicial Officer

STATE OF ARIZONA -vs-  Defendant (FIRST, MI, LAST)	Plaintiff
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[CASE/COMPLAINT NO.]
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TRANSMITTAL CERTIFICATION
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### ORDER HOLDING DEFENDANT TO ANSWER BEFORE THE SUPERIOR COURT

I hereby certify that the enclosed items constitute a true and complete record of the preliminary proceedings held in the above-entitled case appearing in Docket No. \_\_\_\_\_, at page \_\_\_\_\_.

The following items are included:

- The original complaint, including amendments;
- The supporting affidavits of the following witnesses:

\_\_\_\_\_  
\_\_\_\_\_;

- The arrest warrant or summons;
- The defendant's release questionnaire;
- The defendant's financial statement and request for appointment of counsel;
- A copy of the release order;
- The defendant's appearance bond;
- Security deposited with the appearance bond: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_;

- Defendant's waiver of counsel;
- Order appointing counsel;
- Waiver of preliminary hearing;
- Exhibits and items of physical evidence introduced at the preliminary hearing: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_;

- Order holding the defendant to answer in superior court;
- Audiotape or videotape of preliminary hearing, if any;
- Other: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_;

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Judicial Officer

\_\_\_\_\_  
Printed Name and Title of Judicial Officer

\_\_\_\_\_ COURT [Precinct \_\_\_\_] \_\_\_\_\_ County, Arizona

STATE OF ARIZONA -vs-  Defendant (FIRST, MI, LAST)	Plaintiff
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[CASE/COMPLAINT NO.]
----------------------

[Felony / Misdemeanor]  <b>INDICTMENT</b>
---

The Grand Jurors of \_\_\_\_\_ County, Arizona, accuse [name of defendant]

On this \_\_\_\_ day of \_\_\_\_\_, charging that in \_\_\_\_\_ County, Arizona:

[List and describe each charge or count]

\_\_\_\_\_ [Foreperson writes "A True Bill"]

\_\_\_\_\_ Date

[NAME OF PROSECUTING AGENCY]

By \_\_\_\_\_  
Deputy County Attorney (or Other Title)

By \_\_\_\_\_  
Foreperson of the Grand Jury

STATE OF ARIZONA -vs-  Defendant (FIRST, MI, LAST)	Plaintiff
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[CASE/COMPLAINT NO.]
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<b>GRAND JURY MINUTES</b>
-------------------------------

GJ No. \_\_\_\_\_

At a session of the Grand Jury of the County of \_\_\_\_\_ held this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_, the above defendant was accused of the crimes of:

[List each charge or count]

Based upon the following witnesses:

Name	I.D. # /	Agency / Address	Date Appeared
[List each witness:]			

Having appeared before the Grand Jury and having given testimony under oath before the Grand Jury, which testimony was reported by \_\_\_\_\_, Reporter of the Grand Jury, on the days that such testimony was given; the Grand Jury with \_\_\_\_ members present, and only members of the Grand Jury present, deliberated upon evidence and with \_\_\_\_ jurors voting, by a vote of \_\_\_\_ to \_\_\_\_ returned a true bill, or took the following action:

\_\_\_\_\_  
Clerk of the Grand Jury

\_\_\_\_\_  
Date

\_\_\_\_\_ COURT [Precinct \_\_\_\_] \_\_\_\_\_ County, Arizona

STATE OF ARIZONA -vs-  Defendant (FIRST, MI, LAST)	Plaintiff
---	-----------

[CASE/COMPLAINT NO.]
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<b>INFORMATION</b>
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The \_\_\_\_\_ [Name / of Prosecuting Agency], accuses \_\_\_\_\_ [Defendant]  
on this \_\_\_\_\_ [date], charging that in \_\_\_\_\_ County, Arizona:  
[List and describe each charge or count]

[NAME OF PROSECUTING AGENCY]

By \_\_\_\_\_  
[County Attorney / or Other Title]

\_\_\_\_\_  
Date

STATE OF ARIZONA -vs-  Defendant (FIRST, MI, LAST)	Plaintiff
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[CASE/COMPLAINT NO.]
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<p style="text-align: center;"><b>NOTICE OF APPOINTMENT OF MENTAL HEALTH EXPERT (PRE-SCREEN)</b></p>
--

The Court having been presented with a motion under Rule 11.2, Rules of Criminal Procedure, for an examination to determine whether the defendant is competent or to investigate the defendant's mental condition at the time of the offense,

**IT IS HEREBY ORDERED** appointing \_\_\_\_\_ as a mental expert, to prepare and send to this Court a written report of the expert's opinion and findings as to whether reasonable grounds for a mental health examination exist.

**IT IS FURTHER ORDERED** that if the defendant is not in custody, defense counsel is to contact the expert at [telephone number] \_\_\_\_\_ within two (2) working days of this order to schedule a time for the defendant's examination and use due diligence to secure the defendant's attendance at the examination.

**IT IS FURTHER ORDERED** that the prosecutor and defense counsel provide to the expert at \_\_\_\_\_ [address] \_\_\_\_\_ the motion to have defendant's mental condition examined and copies of police reports, previous mental health reports, and any other appropriate material for the screening examination.

**IT IS FURTHER ORDERED** that payment of the cost of the examination of the defendant is the responsibility of the \_\_\_\_\_ pursuant to A.R.S. 13-4505.

**IT IS FURTHER ORDERED** that a prescreen hearing will be held in this court on the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_ at \_\_\_\_\_ a.m./p.m.

**IT IS FURTHER ORDERED** that the expert will submit the written report at least 10 days prior to the prescreen hearing date to \_\_\_\_\_ which will seal the original and provide a copy to defense counsel. Defense counsel shall provide a redacted copy of the report to the court and the prosecutor's office within 24 hours of receipt.

\_\_\_\_\_  
Signature of Judicial Officer

\_\_\_\_\_  
Date

\_\_\_\_\_  
Defense Attorney (please print name)

\_\_\_\_\_  
Prosecutor (please print name)

\_\_\_\_\_  
Telephone No.

\_\_\_\_\_  
Bar No.

\_\_\_\_\_  
Telephone No.

\_\_\_\_\_  
Bar No.

\_\_\_\_\_  
Mailing Address

\_\_\_\_\_  
Mailing Address

\_\_\_\_\_  
City

\_\_\_\_\_  
State

\_\_\_\_\_  
Zip

\_\_\_\_\_  
City

\_\_\_\_\_  
State

\_\_\_\_\_  
Zip

STATE OF ARIZONA -vs-  Defendant (FIRST, MI, LAST)	Plaintiff
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[CASE/COMPLAINT NO.]
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<b>RULE 11</b>  <b>ORDER AND STIPULATION</b>
--

**ORDER**

A Motion having been filed requesting relief under Rule 11.2, Rules of Criminal Procedure, and the Court having made a factual determination that reasonable grounds exist for an examination of the defendant pursuant to said Rule,

**IT IS HEREBY ORDERED** that the cause be transferred to the Superior Court of \_\_\_\_\_ for further proceedings pursuant to and in conformance with Rule 11, Rules of Criminal Procedure.

**DONE IN OPEN COURT** this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

_____ Signature of Judicial Officer	_____ Date
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**STIPULATION**

**IT IS HEREBY** stipulated between undersigned counsel that the defendant be examined by two mental health experts appointed by the \_\_\_\_\_ Superior Court. It is further stipulated that the following lists of mental health experts be submitted to the \_\_\_\_\_ Superior Court and that one expert be appointed from each list to examine the defendant pursuant to and in conformance with Rule 11, Rules of Criminal Procedure.

State's list of mental health experts:

Defendants list of mental health experts:

- (1) \_\_\_\_\_  
Name \_\_\_\_\_  
Street Address \_\_\_\_\_  
City and State \_\_\_\_\_
- (2) \_\_\_\_\_  
Name \_\_\_\_\_  
Street Address \_\_\_\_\_  
City and State \_\_\_\_\_
- (3) \_\_\_\_\_  
Name \_\_\_\_\_  
Street Address \_\_\_\_\_  
City and State \_\_\_\_\_

- (1) \_\_\_\_\_  
Name \_\_\_\_\_  
Street Address \_\_\_\_\_  
City and State \_\_\_\_\_
- (2) \_\_\_\_\_  
Name \_\_\_\_\_  
Street Address \_\_\_\_\_  
City and State \_\_\_\_\_
- (3) \_\_\_\_\_  
Name \_\_\_\_\_  
Street Address \_\_\_\_\_  
City and State \_\_\_\_\_

\_\_\_\_\_  
Prosecutor

\_\_\_\_\_  
Defense Attorney / \_\_\_\_\_  
Bar No.

\_\_\_\_\_  
Address

\_\_\_\_\_  
Telephone No.

STATE OF ARIZONA -vs-  Defendant (FIRST, MI, LAST)	Plaintiff
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[CASE/COMPLAINT NO.]
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<b>NOTICE OF APPOINTMENT OF MENTAL HEALTH EXPERT (COMPETENCY)</b>
---

The Court, having granted the motion for competency examination pursuant to Rule 11.2, Rules of Criminal Procedure, and the defendant having been charged with: \_\_\_\_\_

**IT IS HEREBY ORDERED** appointing \_\_\_\_\_ and \_\_\_\_\_

as mental health experts, to prepare and send to the Court a written report of the experts' opinions and findings as to the defendant's competency to stand trial (i.e. the defendant's ability to understand the nature of the proceedings and to assist counsel in the preparation of the defense.) If a mental health expert finds the Defendant is incompetent to stand trial at this time, an opinion shall also be rendered as to:

- (A) The mental disease, defect or disability which is the cause of the Defendant's incompetency;
- (B) Whether there is a substantial probability the Defendant will become competent within a reasonable period of time;
- (C) The most appropriate form and place of treatment in this state, based on the defendant's therapeutic needs and potential threat to public safety;
- (D) The defendant's prognosis; and
- (E) Whether the defendant is incompetent to refuse treatment and should be subject to involuntary treatment.

**IT IS FURTHER ORDERED** that the report name each mental health expert who examines the defendant; that it describe the nature, content, extent, and results of the examination and any test conducted; and that it include the facts on which the findings are based.

**IT IS FURTHER ORDERED** that if the defendant is not in custody, defense counsel is to contact the experts at \_\_\_\_\_ [names and phone numbers] \_\_\_\_\_ within two (2) working days of this order to schedule a time for the defendant's examination and use due diligence to secure the defendant's attendance at the examination.

**IT IS FURTHER ORDERED** that the prosecutor and defense counsel provide to the experts at \_\_\_\_\_ [addresses] \_\_\_\_\_

the motion to have defendant's mental condition examined, and copies of police reports, previous mental health reports, and any other appropriate material for the examination.

**IT IS FURTHER ORDERED** that payment of the cost of the examination of the defendant is the responsibility of the \_\_\_\_\_ pursuant to ARS 13-4505.

**IT IS FURTHER ORDERED** that a competency hearing will be held in \_\_\_\_\_ court on the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_ at \_\_\_\_\_ a.m./p.m.

**IT IS FURTHER ORDERED** that the experts will submit the written reports at least 10 days prior to the competency hearing date to \_\_\_\_\_ which will seal the originals and provide copies to defense counsel. Defense counsel shall provide redacted copies of the reports to the court and the prosecutor's office within 24 hours of receipt.

\_\_\_\_\_  
Signature of Judicial Officer

\_\_\_\_\_  
Date

STATE OF ARIZONA -vs-  Defendant (FIRST, MI, LAST)	Plaintiff
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[CASE/COMPLAINT NO.]
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<p align="center"><b>NOTICE OF APPOINTMENT OF MENTAL HEALTH EXPERT (MENTAL CONDITION AT TIME OF OFFENSE)</b></p>
--

The Court having found a reasonable basis to support a plea of insanity pursuant to Rule 11.2, Rules of Criminal Procedure and the defendant having been charged with: \_\_\_\_\_

**IT IS HEREBY ORDERED** appointing \_\_\_\_\_ and \_\_\_\_\_ as mental health experts, to prepare and send to the Court a written report of the experts' opinions as to the defendant's mental condition at the time of the offense. The report shall include:

- (A) An opinion as to the mental status of the defendant at the time of the offense;
- (B) If the expert determines that the defendant suffered from a mental disease, defect, or disability at the time of the offense, the relationship of the disease, defect, or disability to the alleged offense.

**IT IS FURTHER ORDERED** that if the defendant is not in custody, the defense attorney is to contact the experts at \_\_\_\_\_ [names and phone numbers] within two (2) working days of this order to schedule a time for the defendant's examination and use due diligence to secure the defendant's attendance at the examination.

**IT IS FURTHER ORDERED** that the prosecutor and the defense attorney provide to the experts at \_\_\_\_\_ [addresses] the motion to have defendant's mental condition examined, and copies of police reports, previous mental health reports, and any other appropriate material for the examination.

**IT IS FURTHER ORDERED** that payment of the cost of the examination of the defendant is the responsibility of the \_\_\_\_\_ pursuant to A.R.S. 13-4505.

**IT IS FURTHER ORDERED** that a hearing will be held in \_\_\_\_\_ court on the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_ at \_\_\_\_\_ a.m./p.m.

**IT IS FURTHER ORDERED** that the experts will submit the written reports at least 10 days prior to the hearing date to \_\_\_\_\_ which will seal the originals and provide copies to the defense attorney. The defense attorney shall provide redacted copies of the reports to the court and the prosecutor's office within 24 hours of receipt.

\_\_\_\_\_  
Signature of Judicial Officer Date

\_\_\_\_\_  
Defense Attorney (please print name)

\_\_\_\_\_  
Prosecutor (please print name)

\_\_\_\_\_  
Telephone No. Bar No.

\_\_\_\_\_  
Telephone No. Bar No.

\_\_\_\_\_  
Mailing Address

\_\_\_\_\_  
Mailing Address

\_\_\_\_\_  
City State Zip

\_\_\_\_\_  
City State Zip

STATE OF ARIZONA -vs-  Defendant (FIRST, MI, LAST)	Plaintiff
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[CASE/COMPLAINT NO.]
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<b>WAIVER OF RIGHT TO BE PRESENT AT DEPOSITION</b>
--

**READ THE ENTIRE FORE CAREFULLY BEFORE SIGNING IT**

**Instructions:** The purpose of this form is to advise you of your right to be present at a deposition held for the purpose of obtaining testimony which may be used at your trial, and to allow you to give up that right if you so choose.

**RIGHT TO BE PRESENT AT DEPOSITION**

I understand that I am charged with the crime of \_\_\_\_\_

\_\_\_\_\_ which is a  misdemeanor  felony under the law of Arizona, and that if I am found guilty I can be given severe punishment, including incarceration  in the Arizona State Prison,  in the \_\_\_\_\_ County Jail,  a fine, or other penalty.

I understand that the Rules of Criminal Procedure allow depositions to be taken in criminal cases in certain situations, and that during a deposition a witness is asked questions under oath. I understand that testimony given by the witness at the deposition is recorded and may be used at the trial. I understand that I am entitled to be present at such proceedings in order to be able to confront the witnesses against me and to help my attorney prepare questions to ask them to test the truthfulness of their testimony.

I understand that by giving up my right to be present at a deposition I consent to the use of testimony given at the deposition later during my trial in all situations in which it would be admissible if I had been present at the deposition.

**CERTIFICATION AND WAIVER**

**DO NOT SIGN THIS FORM UNLESS YOU HAVE READ IT COMPLETELY OR HAD IT READ TO YOU, AND YOU UNDERSTAND IT FULLY. DO NOT SIGN THIS FORM IS YOU WANT TO BE PRESENT AT THE DEPOSITION.**

After reading and understanding all the above, I hereby give up my right to be present at  the deposition of \_\_\_\_\_

any deposition in this case.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Defendant

I have explained to the defendant the significance of a deposition and the right to be present at its taking and consent to defendant's waiver of the right to be present.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Defense Attorney

STATE OF ARIZONA -vs-  Defendant (FIRST, MI, LAST)	Plaintiff
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[CASE/COMPLAINT NO.]
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<b>PLEA AGREEMENT (Non-Capital)</b>
---

The defendant agrees to plead guilty / no contest to \_\_\_\_\_,  
 \_\_\_\_\_,  
 committed on or about \_\_\_\_\_.

This crime is a  dangerous  non-dangerous  repetitive  non-repetitive offense under the criminal code.

Terms: On the following understandings, terms and conditions:

\_\_\_\_\_ 1. The crime carries a presumptive sentence of \_\_\_ years; a minimum sentence of \_\_\_ years; and a maximum sentence of \_\_\_ years. Probation is / is not available. A maximum amount of restitution for economic loss to the victim not to exceed the amount specified in paragraph 2 and waiver of extradition for probation revocation procedures may be required. The maximum fine that can be imposed is \$150,000 plus a surcharge of \_\_\_ + \_\_\_\_\_. Special conditions regarding the sentence imposed by statute (if any) are:

None

If sentenced to a term of imprisonment, the defendant shall also be sentenced to a term of community supervision equal to one-seventh of the prison sentence to be served consecutively to the actual period of imprisonment. If the defendant fails to abide by the conditions of community supervision, the defendant can be required to serve the remaining term of community supervision in prison.

Other: \_\_\_\_\_  
 \_\_\_\_\_

\_\_\_\_\_ 2. The parties stipulate to the following additional terms, subject to court approval at sentencing as set forth in paragraph 7: \_\_\_\_\_  
 \_\_\_\_\_

\_\_\_\_\_ 3. The following charges are dismissed, or if not yet filed, shall not be brought against the defendant: \_\_\_\_\_  
 \_\_\_\_\_

\_\_\_\_\_ 4. This agreement, serves to amend the complaint, indictment, or information to charge the offense to which the defendant pleads, without the filing of any additional pleading. However, if the plea is rejected by the court or withdrawn by either party, or if the conviction is subsequently reversed, the original charges and any charges that are dismissed by reason of this plea agreement are automatically reinstated.

\_\_\_\_\_ 5. The defendant hereby gives up the right to a preliminary hearing or other probable cause determination on the charges to which he or she pleads. In the event the court rejects the plea, or either the state or the defendant withdraws from the plea, the defendant hereby waives and gives up his or her right to a preliminary hearing or other probable cause determination on the original charges.

\_\_\_\_\_ 6. Unless this plea is rejected by the court or withdrawn by either party, the defendant hereby gives up any and all motions, defenses, objections, or requests which he or she has made or raised, or could assert hereafter, to the court's entry of judgment against him or her and imposition of a sentence upon him or her consistent with this agreement. The defendant acknowledges by entering this agreement he or she will have no right to direct appeal (ARS 13-4033) and the only available review is pursuant to Rule 32, Rules of Criminal Procedure.

- \_\_\_\_\_ 7. If after accepting this plea agreement the court concludes that any of its provisions regarding the sentence or the terms and conditions of probation are inappropriate, it can reject the plea. If the court decides to reject the plea agreement provisions regarding sentencing, it must give both the State and the defendant each an opportunity to withdraw from the plea.
- \_\_\_\_\_ 8. If the court decides to reject the plea agreement provisions regarding sentencing and neither the State nor the Defendant elects to withdraw the plea agreement, then any sentence either stipulated to or recommended herein in paragraph 2 is not binding upon the court, and the court is bound only by the sentencing limits set forth in paragraph 1 and the applicable statutes.
- \_\_\_\_\_ 9. I understand that if I am not a citizen of the United States, my decision to go to trial or enter into a plea agreement may have immigration consequences. Specifically, I understand that pleading guilty or no contest to a crime may affect my immigration status. Admitting guilt may result in deportation even if the charge is later dismissed. My plea or admission of guilt could result in my deportation or removal, could prevent me from ever being able to get legal status in the United States, or could prevent me from becoming a United States citizen. I understand that I am not required to disclose my legal status in the United States to the court.
- \_\_\_\_\_ 10. I have read and understand the provisions of all pages of this agreement. I have discussed the case and my constitutional rights with my attorney. I understand that by pleading (guilty) (no contest) I will be giving up my right to a determination of probable cause, my right to a trial  by jury  by a judge  by jury on facts used to aggravate a sentence; my right to confront, cross-examine, and compel the attendance of witnesses, to present witnesses on my behalf; my right to remain silent; my privilege against self-incrimination; the presumption of innocence; and my right to direct appeal. I agree to enter my plea as indicated above on the terms and conditions set forth herein. I fully understand that, as part of this plea agreement, if I am granted probation by the court, the terms and conditions thereof are subject to modification at any time during the period of probation in the event that I violate any written condition of my probation. I understand that if I violate any of the written conditions of my probation, my probation may be terminated and I can be sentenced to any term or terms stated above in paragraph 1.

I have personally and voluntarily placed my initials beside each of the above paragraphs and signed the signature line below to indicate that I read, or had read to me, understood, and approved all of the previous paragraphs in this agreement, both individually and as a total binding agreement. My plea is voluntary and not the result of force, or threat, or promises other than those contained in the plea agreement.

**DO NOT SIGN THIS FORM UNLESS YOU HAVE READ IT COMPLETELY OR HAD IT READ TO YOU, AND YOU UNDERSTAND IT FULLY.**

\_\_\_\_\_  
Date

\_\_\_\_\_  
Defendant

I have discussed this case with my client in detail and advised my client of his or her constitutional rights and all possible defenses. I believe that the plea and disposition set forth herein are appropriate under the facts of this case. I concur in the entry of the plea as indicated above and on the terms and conditions set forth herein.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Defense Attorney

I have reviewed this matter and concur that the plea and disposition set forth herein are appropriate and are in the interests of justice.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Prosecutor

STATE OF ARIZONA -vs-  Defendant (FIRST, MI, LAST)	Plaintiff
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[CASE/COMPLAINT NO.]
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<b>GUILTY/NO CONTEST PLEA PROCEEDING</b>
--

Defendant appears personally and expresses a desire to plead guilty or no contest to the charges indicated, and I find the following facts:

1. Defendant understands the nature of the charges as indicated: \_\_\_\_\_.
2. Defendant appears:  with counsel  without counsel (waiver of counsel with file), and understands the following:
3. Defendant has entered into a:  plea agreement and consents to its terms;  plea to the court.
4. Defendant understands the range of penalties to be: (state minimum and maximum possible sanctions).
5. If arrested on a subsequent offense, defendant may be charged with a more serious offense and associated penalties.
6. The Court has advised the defendant that this guilty plea may result in a violation of probation or parole.
7. Defendant was advised of the following: If you are not a citizen of the United States, pleading guilty or no contest to a crime may affect your immigration status. Admitting guilt may result in deportation even if the charge is later dismissed. Your plea or admission of guilt could result in your deportation or removal, could prevent you from ever being able to get legal status in the United States, or could prevent you from becoming a United States citizen.
8. Defendant understands that the following constitutional rights are given up by changing the plea:
  - a. Right to plead not guilty and require the State to prove guilt beyond a reasonable doubt.
  - b. Right to a trial  by jury  by a judge  by jury on facts used to aggravate a sentence.
  - c. Right to assistance of an attorney at all stages of the proceeding, including appeal. In some cases, the defendant may be eligible for a court-appointed attorney at a reduced cost or at no cost, if the defendant cannot afford one.
  - d. Right to confront the witnesses against the defendant and to cross-examine them as to the truthfulness of their testimony.
  - e. Right to present evidence in the defendant's own behalf and to have the court compel the defendant's chosen witnesses to appear and testify free of charge.
  - f. Right to remain silent, not to incriminate oneself, and to be presumed innocent unless/or until proven guilty beyond a reasonable doubt.
  - g. Right to a direct appeal.
9. Defendant wishes to give up these constitutional rights after having been advised of them.
10. A basis in fact exists for believing the defendant guilty of the offenses charged.
11. The plea is voluntary and not the result of force or threat or promises other than those contained in the plea agreement.
12. Defendant may file a Rule 32 petition for post-conviction relief and if denied may file a petition for review.

On the basis of these findings, I conclude that the defendant knowingly, voluntarily, and intelligently pleads:  guilty  no contest\* to the above charges, and I accept this plea.

\* Rule 17.1(c), Rules of Criminal Procedure states that a plea of no contest may be accepted only after due consideration of the views of the parties and the interest of the public in the effective administration of justice.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Judicial Officer

I certify that the judge personally advised me of the nature of the charges, the range of penalties, and my constitutional rights as indicated above. I understand the constitutional rights which I give up by entering this plea, and I desire to plead guilty or no contest as indicated above. I desire to proceed without an attorney, or if represented, my attorney's signature appears below.

Defendant: \_\_\_\_\_ Def. Counsel/Bar No.: \_\_\_\_\_ Interpreter: \_\_\_\_\_

STATE OF ARIZONA -vs-  Defendant (FIRST, MI, LAST)	Plaintiff
---	-----------

[CASE/COMPLAINT NO.]
----------------------

<b>WAIVER OF TRIAL BY JURY (Non Capital)</b>
--

**RIGHT TO TRIAL BY JURY**

The purpose of this form is to advise you of your right to trial by jury and to allow you to give up that right if you so choose.

**READ THE ENTIRE FORM CAREFULLY BEFORE SIGNING IT**

I understand that I am charged with the crime of \_\_\_\_\_

\_\_\_\_\_ which is a  misdemeanor  felony under the law of Arizona and that if I am found guilty I can be given severe punishment, including incarceration  in the Arizona State Prison,  in the \_\_\_\_\_ County Jail,  a fine, or other penalty.

I understand that I am entitled to a trial by jury on these charges, and on facts used to aggravate any sentence. The right to a trial by jury means the right to have my guilt or innocence, or facts used to aggravate any sentence, decided by a group of citizens whose decision must be unanimous.

I understand that once I have made the decision to give up my right to a jury trial, I may change my mind only with the permission of the court, and may not change it at all once the trial has actually begun.

**CERTIFICATION AND WAIVER**

After reading and understanding all the above, I hereby waive my right to:

- trial by jury on guilt or innocence;
- trial by jury on facts used to aggravate any sentence.

**DO NOT SIGN THIS FORM UNLESS YOU HAVE READ IT COMPLETELY OR HAD IT READ TO YOU, AND YOU UNDERSTAND IT FULLY.**

\_\_\_\_\_  
Date

\_\_\_\_\_  
Defendant

I have explained to the defendant the right to trial by jury and consent to the defendant's waiver of it.

\_\_\_\_\_  
Date  
I consent to waiver of trial by jury in this case.

\_\_\_\_\_  
Defense Attorney

\_\_\_\_\_  
Date

\_\_\_\_\_  
Prosecutor

I approve of the waiver of the trial by jury in this case.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Judicial Officer



STATE OF ARIZONA -vs-  Defendant (FIRST, MI, LAST)	Plaintiff
---	-----------

[CASE/COMPLAINT NO.]
----------------------

<p align="center"><b>TRANSMITTAL CERTIFICATION APPEAL TO SUPERIOR COURT</b></p>
---

**TRANSMITTAL OF RECORD ON APPEAL TO SUPERIOR COURT**

I hereby certify that the enclosed items constitute a true and complete record of the preliminary proceedings held in the above-entitled case appearing in Docket No. \_\_\_\_\_, at page \_\_\_\_\_.

The following items are included:

- The original complaint, including amendments;
- The arrest warrant, summons, or citation;
- The defendant's release questionnaire;
- The defendant's financial statement and request for appointment of counsel;
- If the defendant is or was in custody, a copy of the release order showing the conditions under which the defendant may be, or has been, released;
- The defendant's appearance bond;
- Security deposited with the appearance bond: \_\_\_\_\_  
\_\_\_\_\_;
- Defendant's waiver of counsel;
- Order appointing counsel or written appearance of counsel;
- Exhibits and items of physical evidence introduced at trial: \_\_\_\_\_  
\_\_\_\_\_;
- A copy of all proceedings had in the case, as shown by my docket;
- Audiotape or videotape of trial, if any;
- Other papers or items prepared in connection with the case: \_\_\_\_\_  
\_\_\_\_\_.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Judicial Officer

\_\_\_\_\_  
Printed Name and Title of Judicial Officer

STATE OF ARIZONA -vs-  Defendant (FIRST, MI, LAST)	Plaintiff
---	-----------

[CASE/COMPLAINT NO.]
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<b>NOTICE OF RIGHTS OF REVIEW AFTER CONVICTION (Capital &amp; Non-Capital)</b>
--

**RIGHT TO APPEAL (CAPITAL)**

If you are a capital defendant and sentenced to death, the clerk shall file a notice of appeal at the time of entry of judgment and sentence. This notice shall be sufficient as a notice of appeal with respect to all judgments entered and sentences imposed in this case (Rule 31.2(b), Rules of Criminal Procedure).

**RIGHT TO APPEAL (NON-CAPITAL)**

You have a right to appeal from a final judgment of conviction, from an order denying a post-trial motion, or from a sentence which is illegal or excessive. Arizona Constitution art. 2, sec. 24; ARS 13-4031. YOU DO NOT HAVE A RIGHT TO APPEAL IF YOU HAVE PLED GUILTY OR NO CONTEST OR HAVE ADMITTED A VIOLATION OF CONDITIONS OF PROBATION. IN THAT CASE, RELIEF MAY BE SOUGHT ONLY BY PETITION FOR POST-CONVICTION RELIEF. Rules 17.1, 17.2 and 27.8, Rules of Criminal Procedure, ARS 13-4033(B).

**IN ORDER TO EXERCISE YOUR RIGHT TO APPEAL;**

1. You must file a NOTICE OF APPEAL (Form 24(a)) within 20 days of the entry of judgment and sentence. If you do not file a notice of appeal within 20 days you will lose your right to appeal. The entry of judgment and sentence occurs at the time of sentencing.
2. To file a Notice of Appeal you should contact your lawyer (by letter, telephone or in person) telling him or her that you want to appeal. You can file the notice of appeal before you leave the courtroom on the day you are sentenced if you wish.
3. If you do not have a lawyer, get copies of Form 5, Defendant's Financial Statement and Request for Appointment of Counsel and Form 24 (a), Notice of Appeal, either from your attorney, the clerk of the court, or the jail or prison, fill them both out, and file or send them to the clerk of the superior court in the county where you were tried and sentenced. They must arrive at the clerk's office within 20 days after you were sentenced.
4. You should have a lawyer handle your appeal.

**RIGHT TO POST-CONVICTION RELIEF (CAPITAL)**

If you are a capital defendant and sentenced to death, the clerk of the Supreme Court shall file a notice of Post Conviction Relief with the Trial Court upon the issuance of a mandate affirming your conviction and sentence on direct appeal. If your death sentence is reduced to life on direct appeal, it is your responsibility to file your own Notice of Post Conviction Relief. (Please see Right to Post-Conviction Relief (Non-Capital) section below).

**RIGHT TO POST-CONVICTION RELIEF (NON-CAPITAL)**

You also have a right to petition the Superior Court for Post-Conviction Relief. Rule 32, Rules of Criminal Procedure.

1. In order to exercise your Post-Conviction Relief right, you must file a NOTICE OF POST-CONVICTION RELIEF (Form 24(c)) within 90 days of the entry of judgment and sentence if you do not file, or you do not have the right to file, a Notice of Appeal. If you do appeal, the time you have to file a Notice of Post-Conviction Relief extends from the entry of judgment and sentence to 30 days after the issuance of the order and mandate affirming the judgment and sentence on direct appeal.

**NOTE: If you do not timely file a Notice of Post-Conviction Relief, you may never have another opportunity to have any errors made in your case corrected.**

2. To seek post-conviction relief, you must obtain a copy of Form 24(c) (Notice of Post-Conviction Relief), either from your attorney, the clerk of the court, or the jail or prison, fill it out, and file or send it to the clerk of the Superior Court of the county where you were sentenced. The notice must arrive at the clerk's office within 90 days after you were sentenced or within 30 days after the issuance of the order and mandate affirming the judgment and sentence on direct appeal.

3. If you cannot afford to hire an attorney, you should execute the Affidavit of Indigency contained in the Notice of Post-Conviction Relief and request that an attorney be appointed to represent you.

If you want a full copy of the rules governing appeals and post-conviction relief, the clerk of the court in the county where you were convicted will send you one upon request.

**RECEIPT BY DEFENDANT**

I have received a copy of this notice explaining my right to appeal, my right to seek post-conviction relief, and the procedures I must follow to exercise these rights.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Defendant

STATE OF ARIZONA -vs-  Defendant (FIRST, MI, LAST)	Plaintiff
---	-----------

[CASE/COMPLAINT NO.]
----------------------

<p align="center"><b>NOTICE OF APPEAL FROM SUPERIOR COURT</b></p>
---

**NOTICE OF APPEAL FROM SUPERIOR COURT**

**NOTICE IS HEREBY GIVEN** that \_\_\_\_\_ appeals from the

- Following judgment(s) of guilt in the following case number(s);
- Following sentence(s) imposed in the following case numbers(s);
- Other:

entered in the superior court, \_\_\_\_\_ County, on \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Date

\_\_\_\_\_  
[Party filing for appeal] Defendant, Attorney for  
Defendant, or Prosecutor

**ATTACHMENT**

- (1) The name and address of the defendant or defendants who appeal or against whom the state appeals:
- (2) The name and address of the attorney for the defendant or defendants:
- (3) The name and address of any co-defendant at trial. (If the address is not known, so state):
- (4) The defendant or defendants who appeal or against whom the state appeals  were  were not represented by counsel at the determination of guilt or at sentencing.

STATE OF ARIZONA -vs-  Defendant (FIRST, MI, LAST)	Plaintiff
---	-----------

[CASE/COMPLAINT NO.]
----------------------

<b>NOTICE OF APPEAL TO SUPERIOR COURT</b>
---

**NOTICE OF APPEAL FROM JUDGMENT OF NON-RECORD COURT**

**NOTICE IS HEREBY GIVEN** that \_\_\_\_\_ appeals from the

- Following judgments(s) of guilt in the following case numbers(s);
- Following sentence(s) imposed in the following case number(s);
- Other:

entered in the superior court, \_\_\_\_\_ county, on \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Date

\_\_\_\_\_  
[Party filing for appeal] Defendant, Attorney for  
the Defendant, or Prosecutor

STATE OF ARIZONA -vs-  Defendant (FIRST, MI, LAST)	Plaintiff
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[CASE/COMPLAINT NO.]
----------------------

<b>NOTICE OF POST-CONVICTION RELIEF</b>
---

**NOTICE OF POST-CONVICTION RELIEF**

**Instructions:** When the notice is complete, file it with the clerk of the superior court of the county in which the conviction occurred.

A person unable to pay costs of this proceeding and to obtain the services of a lawyer without substantial personal or family hardship should indicate this by requesting counsel in Question 8 of this notice and execute the affidavit of indigency on page 3. In the event an attorney is not appointed, a Request for Preparation of Post-Conviction Relief Record form must be filed by the defendant if some portion of the record is needed and has not previously been obtained.

No issue which has already been raised and decided on appeal or in a previous petition for post-conviction relief may be used as a basis for a successive petition for post-conviction relief.

1. Defendant's Name: \_\_\_\_\_

Defendant's prison number (if any): \_\_\_\_\_

2. Defendant's address: \_\_\_\_\_

3. (A) Defendant was convicted of the following crimes: \_\_\_\_\_

(B) Defendant was sentenced on \_\_\_\_\_, 20\_\_\_\_, to a term of \_\_\_\_\_, commencing on \_\_\_\_\_, 20\_\_\_\_, following a:

- Trial by jury
- Trial to Judge without a Jury
- Plea of Guilty
- Plea of No Contest
- Probation Revocation Admission
- Probation Revocation Violation Hearing in the Superior Court of \_\_\_\_\_ County with judicial officer \_\_\_\_\_ presiding.

(C) The file number of the case was CR - \_\_\_\_\_.

4. Defendant has taken the following actions to secure relief from his convictions or sentences:

(A) Direct Appeal:  Yes  No

(B) Previous Rule 32 Proceedings:  Yes  No

5. Defendant was represented by the following lawyers at: (provide name of counsel and counsel's address, if known)

Trial or change of plea: \_\_\_\_\_

Sentencing hearing: \_\_\_\_\_

Appeal (if any): \_\_\_\_\_

Previous Rule 32 proceedings (if any): \_\_\_\_\_

6. Is the defendant raising a claim of ineffective assistance of counsel?  Yes  No

7. Defendant is presently represented by a lawyer?  Yes  No

If yes, provide name and address: \_\_\_\_\_

8. If you are not currently represented by a lawyer, do you want the court to appoint a lawyer for this proceeding?

Yes  No

9. **Respond to this section only if this is an untimely notice or the defendant has filed a previous Rule 32 petition in this case.**

(A) Is a claim pursuant to Rule 32.1(d), (e), (f), (g) or (h) being raised in this petition?  Yes  No

(B) If yes, state the specific exception:

The defendant is being held in custody after the sentence imposed has expired.

Newly discovered material facts exist which probably would have changed the verdict or sentence.

The defendant's failure to file a timely notice of post-conviction relief or notice of appeal was without fault on the defendant's part.

There has been a significant change in the law that would probably overturn the conviction or sentence.

Facts exist which establish by clear and convincing evidence that the defendant is actually innocent.

(C) State the facts that support the claim and the reasons for not raising the claim in the previous petition or in a timely manner:

I am requesting post-conviction relief. I understand that I must include in my petition every ground for relief which is known and which has not been raised and decided previously. I also understand that failure to raise any known ground for relief in my petition will prohibit me from raising it at any future date.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Defendant

**AFFIDAVIT OF INDIGENCY**

I have requested the appointment of a lawyer to represent me in post conviction proceedings. I swear under oath and penalty of perjury that I am indigent and because of my poverty I am financially unable to pay for the cost of a lawyer to represent me without incurring substantial hardship to myself or my family.

\_\_\_\_\_ Defendant

Subscribed and sworn to before me on \_\_\_\_\_ 20\_\_\_\_\_.

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

\_\_\_\_\_ My Commission Expires

STATE OF ARIZONA -vs-  Defendant (FIRST, MI, LAST)	Plaintiff
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[CASE/COMPLAINT NO.]
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<b>PETITION FOR POST-CONVICTION RELIEF</b>
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**PETITION FOR POST-CONVICTION RELIEF**

Instructions:

**In order for this petition to receive consideration by the court, you should first file Form 24(c).**

Each applicable question in Form 25 must be answered fully but concisely in legible handwriting or by typing. When necessary, an answer to a particular question may be completed on the reverse side of the page or on an additional blank page, making clear to which question such continued answer refers.

Any false statement of fact made and sworn to under oath in this petition could serve as the basis for prosecution and conviction for perjury. Therefore, exercise care to assure that all answers are true and correct.

NO ISSUE WHICH HAS ALREADY BEEN RAISED AND DECIDED ON APPEAL OR IN A PREVIOUS PETITION MAY BE USED AS A BASIS FOR THIS PETITION.

TAKE CARE TO INCLUDE EVERY GROUND FOR RELIEF WHICH IS KNOWN AND WHICH HAS NOT BEEN RAISED AND DECIDED PREVIOUSLY, SINCE FAILURE TO RAISE ANY SUCH GROUND IN THIS PETITION WILL BAR ITS BEING RAISED LATER.

When the petition is complete, mail it to the clerk of the superior court of the county in which conviction occurred.

1. Petitioner's Name: \_\_\_\_\_  
 Petitioner's prison number (if any): \_\_\_\_\_

2. Petitioner is now:     On Parole     On Probation     Confined in:

3. Petitioner is eligible for relief because of:

- The introduction at trial of evidence obtained pursuant to an unlawful arrest.
- The introduction at trial of evidence obtained by an unconstitutional search and seizure.
- The introduction at trial of an identification obtained in violation of constitutional rights.
- The introduction at trial of a coerced confession.
- The introduction at trial of a statement obtained in the absence of a lawyer at a time when representation is constitutionally required.
- Any other infringement of the right against self-incrimination.
- The denial of the constitutional right to representation by a competent lawyer at every critical stage of the proceeding.
- The unconstitutional suppression of evidence by the state.
- The unconstitutional use by the state of perjured testimony.
- An unlawfully induced plea of guilty or no contest.
- Violation of the right not to be placed twice in jeopardy for the same offense.
- Ineffective assistance of counsel.
- Unconstitutional and/or excessive sentence.

- The abridgement of any other right guaranteed by the constitution or the laws of this state, or the constitution of the United States, including a right that was not recognized as existing at the time of the trial if retrospective application of that right is required.
  - The existence of newly-discovered material which requires the court to vacate the conviction or sentence. [Specify when petitioner learned of these facts for the first time and show how they would have affected the trial.]
- 
- 

- The lack of jurisdiction of the court which entered the conviction or sentence.
  - The use by the state in determining sentence of a prior conviction obtained in violation of the United States or Arizona constitutions.
  - Sentence imposed other than in accordance with the sentencing procedures established by rule and statute.
  - Being held beyond the term of sentence or after parole or probation has been unlawfully revoked.
  - The failure of the judge at sentencing to advise petitioner of his right to appeal or pursue post-conviction relief and the procedures for doing so.
  - The failure of petitioner's attorney to file a timely notice of appeal or post-conviction relief after being instructed to do so.
  - The obstruction by state officials of the right to appeal or pursue post-conviction relief.
  - Any other ground within the scope of Rule 32, Rules of Criminal Procedure (please specify):
- 
- 

4. The facts in support of the alleged error(s) upon which this petition is based are contained in Attachment A. [State facts clearly and fully; citations or discussions of authorities need not be included].

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5. Supporting Exhibits:

A. The following exhibits are attached in support of the petition:

Affidavits [Exhibit(s) # \_\_\_\_\_]  
Records [Exhibit(s) # \_\_\_\_\_]  
Other supporting evidence [Exhibit(s) # \_\_\_\_\_]

B. No affidavits, records, or other supporting evidence are attached because

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6. Petitioner has taken the following actions to secure relief from his convictions or sentences:

A. Direct Appeal:  Yes  No (If yes, name the courts to which appeals were taken, dates, numbers, and results.)

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B. Previous Rule 32 Proceedings:  Yes  No (If yes, name the court in which such petitions were filed, dates, numbers, and results, including all appeals from decisions on such petitions.)

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C. Previous Habeas Corpus or Special Action Proceedings in the Courts of Arizona:  Yes  No (If yes, name the courts in which such petitions were filed, dates, numbers, and results, including all appeals from decisions on such petitions.)

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D. Habeas Corpus or Other Petitions in Federal Courts:  Yes  No  
(If yes, name the districts in which petitions were filed, dates, court numbers--civil action or miscellaneous--and results, including all appeals from decisions on such petitions.)

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7. The issues which are raised in this petition have not been finally decided nor raised before because: (State facts.)

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8. Because of the foregoing reasons, the relief which the petitioner desires is:

- A.  Release from custody and discharge.
- B.  A new trial.
- C.  Correction of sentence.
- D.  The right to file a delayed appeal or petition for post-conviction relief.
- E.  Other relief (specify):

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I swear or affirm that this petition includes all the claims and grounds for post-conviction relief that are known to me, that I understand that no further petitions concerning this conviction may be filed on any ground of which I am aware but do not raise at this time, and that the information contained in this form and in any attachments is true to the best of my knowledge or belief.

\_\_\_\_\_ Petitioner

Subscribed and sworn to before me on \_\_\_\_\_ 20\_\_\_\_\_.

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

\_\_\_\_\_ My Commission Expires

STATE OF ARIZONA -vs-  Defendant (FIRST, MI, LAST)	Plaintiff
---	-----------

[CASE/COMPLAINT NO.]
----------------------

<b>REQUEST FOR PREPARATION OF POST-CONVICTION RELIEF RECORD</b>
---

**REQUEST FOR PREPARATION OF POST-CONVICTION RELIEF RECORD**

The defendant has filed a Notice of Post-Conviction Relief in the above-entitled cause and requests, pursuant to Rule 32.4(d), Arizona Rules of Criminal Procedure, the preparation of the following portions of the record and transcripts for review. The defendant has not previously received the documents requested.

**SUPERIOR COURT RECORD**

- Instruments
- Minute Entries
- Presentence Report
- Criminal History
- Rule 11 Reports

**TRANSCRIPTS**

**PROBATION VIOLATION**

- Probation Revocation:
- Admission of Violation
- Violation Hearing
- Predisposition Hearing, if any
- Disposition Hearing

**CHANGE OF PLEA**

- Change of Plea
- Presentence Hearing, if any
- Sentencing

**TRIAL**

- All Pretrial Motions (except deletions)
- Voir Dire
- Opening Arguments
- Closing Arguments
- All Trial Proceedings (from calling of the case to the verdict)
- Trial or Admission of Prior Conviction(s)
- All Post-Trial Motions (except deletions)
- Presentence Hearing, if any
- Sentencing

**DELETIONS**

- Motions to Continue by Defendant
- Hearings Dealing with Release Conditions
- Pretrial Conferences
- Arraignments
- Mistried Cases
- Stipulated Rule 11 Hearings

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Defendant or Attorney for Defendant

Copy of the foregoing  
Mailed this \_\_\_\_\_ day of  
\_\_\_\_\_, 20\_\_\_\_\_ to:

STATE OF ARIZONA -vs-  Defendant (FIRST, MI, LAST)	Plaintiff
---	-----------

[CASE/COMPLAINT NO.]
----------------------

<b>SUBPOENA</b>
-----------------

**SUBPOENA**

TO: \_\_\_\_\_

**YOU ARE HEREBY ORDERED** to appear at \_\_\_\_\_ a.m. / p.m. on \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ address and to remain there until excused to give testimony

on behalf of \_\_\_\_\_ and to bring with you: \_\_\_\_\_.

**IF YOU FAIL TO APPEAR AS ORDERED, A WARRANT MAY BE ISSUED FOR YOUR ARREST.**

Given under my hand and seal. \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_ Clerk of the Court

\_\_\_\_\_ By \_\_\_\_\_  
Party / Attorney for party requesting subpoena Deputy Clerk

**Requests for reasonable accommodation for persons with disabilities must be made to the court by parties at least 3 working days in advance of a scheduled court proceeding.**

**CERTIFICATE OF SERVICE**

The undersigned swears (or affirms) that he / she is qualified to serve this subpoena and did so by showing the original to and informing the witness of its contents and by delivering a copy thereof as follows:

Date received \_\_\_\_\_ Date served \_\_\_\_\_ Time served \_\_\_\_\_

Person served \_\_\_\_\_

Location served \_\_\_\_\_

\_\_\_\_\_ County

\_\_\_\_\_  
Person Serving Subpoena

STATE OF ARIZONA -vs-  Defendant (FIRST, MI, LAST)	Plaintiff
---	-----------

[CASE/COMPLAINT NO.]
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<b>SUBPOENA (Alternative - Stand by)</b>
--

**SUBPOENA  
(Alternative - - Stand by)**

TO: \_\_\_\_\_

**YOU ARE HEREBY ORDERED** to stand by to appear upon 30 minutes prior notice at any time between \_\_\_\_\_ a.m. / p.m. on \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_

[Address] \_\_\_\_\_ and to remain there until excused by the judge conducting the proceeding, to give testimony on behalf of \_\_\_\_\_, and to bring with you:

**YOU ARE FURTHER ORDERED** to state on the copy of this subpoena to be returned to the issuing party a telephone number or numbers at which you can be reached at any time between 9:00 a.m. and 5:00 p.m between the times noted above Telephone numbers: (\_\_\_\_)\_\_\_\_\_. If you are unable to supply such numbers, **YOU ARE ORDERED** to appear at the time first mentioned above.

**IF YOU FAIL TO APPEAR AS ORDERED, A WARRANT MAY BE ISSUED FOR YOUR ARREST.**

Given under my hand and seal. \_\_\_\_\_, 20\_\_.

\_\_\_\_\_ Clerk of the Court

\_\_\_\_\_ By \_\_\_\_\_  
Party / Attorney for party requesting subpoena Deputy Clerk

**Requests for reasonable accommodation for persons with disabilities must be made to the court by parties at least 3 working days in advance of a scheduled court proceeding.**

**CERTIFICATE OF SERVICE**

The undersigned swears (or affirms) that he / she is qualified to serve this subpoena and did so by showing the original to and informing the witness of its contents and by delivering a copy thereof as follows:

Date received \_\_\_\_\_ Date served \_\_\_\_\_ Time served \_\_\_\_\_

Person served \_\_\_\_\_

Location served \_\_\_\_\_

\_\_\_\_\_ County

\_\_\_\_\_  
Person Serving Subpoena

STATE OF ARIZONA -vs-  Defendant (FIRST, MI, LAST)	Plaintiff
---	-----------

[CASE/COMPLAINT NO.]
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<b>OUT OF STATE GUILTY/NO CONTEST PLEA PROCEEDING</b>
---

Defendant appears personally and expresses a desire to plead guilty or no contest to the charges indicated, and I find the following facts:

1. Defendant understands the nature of the charges as indicated:

- Driving or in actual physical control of a motor vehicle while under the influence of intoxicating liquor/toxic vapor/drugs.
- Driving or in actual physical control of a motor vehicle with an alcohol concentration of .08 percent or more within 2 hours of driving or being in actual physical control.
- Driving or in actual physical control of a motor vehicle with an alcohol concentration of .15 percent or more within 2 hours of driving or being in actual physical control.
- Driving or in actual physical control of a motor vehicle with any illegal drug or its metabolite in the defendant's body.
- Driving or in actual physical control of a commercial vehicle with an alcohol concentration of .04 percent or more.
- Other: \_\_\_\_\_

2. Defendant appears:  with counsel  without counsel (waiver of counsel with file), and understands the following:

3. Defendant has entered into a:  plea agreement and consents to its terms;  plea to the court.

4. Defendant understands the maximum penalty to be:

- Class 1 misdemeanor: a \$2500 fine, 6 months jail, and/or 5 years probation, plus surcharges and fees.
- Class 2 misdemeanor: a \$750 fine, 4 months jail, and/or 2 years probation, plus surcharges and fees.
- Class 3 misdemeanor: a \$500 fine, 30 days jail, and/or 1 year probation, plus surcharges and fees.
- Other: \_\_\_\_\_

5. If arrested on a subsequent offense, defendant may be charged with a more serious offense and associated penalties.

6. The Court has advised the defendant that this guilty plea may result in a violation of probation or parole.

7. Defendant was advised of the following: If you are not a citizen of the United States, pleading guilty or no contest to a crime may affect your immigration status. Admitting guilt may result in deportation even if the charge is later dismissed. Your plea or admission of guilt could result in your deportation or removal, could prevent you from ever being able to get legal status in the United States, or could prevent you from becoming a United States citizen.

8. Defendant understands that the following constitutional rights are given up by changing the plea:

- a. Right to plead not guilty and require the State to prove guilt beyond a reasonable doubt.
- b. Right to a trial  by jury  by a judge  by jury on facts used to aggravate a sentence.
- c. Right to assistance of an attorney at all stages of the proceeding, including appeal. In some cases, the defendant may be eligible for a court-appointed attorney at a reduced cost or at no cost, if the defendant cannot afford one.
- d. Right to confront the witnesses against the defendant and to cross-examine them as to the truthfulness of their testimony.
- e. Right to present evidence in the defendant's own behalf and to have the court compel the defendant's chosen witnesses to appear and testify free of charge.
- f. Right to remain silent, not to incriminate oneself, and to be presumed innocent unless or until proven guilty beyond a reasonable doubt.
- g. Right to a direct appeal.

9. Defendant wishes to give up these constitutional rights after having been advised of them.

10. A basis in fact exists for believing the defendant guilty of the offenses charged.

11. The plea is voluntary and not the result of force or threat or promises other than those contained in the plea agreement.

12. Defendant may file a Rule 32 petition for post-conviction relief and if denied may file a petition for review.

On the basis of these findings, I conclude that the defendant knowingly, voluntarily, and intelligently pleads:  guilty  no contest\* to the above charges, and I accept this plea. I acknowledge that he or she read all of the foregoing information, certified in writing that he or she is an out-of-state resident, completed a plea agreement in writing that complies with the Rules of Criminal Procedure, and that a law enforcement officer in the defendant's state of residence certified that the defendant personally appeared and signed a guilty plea form and that the officer affixed the defendant's fingerprint to the document.

\* Rule 17.1c, Rules of Criminal Procedure states that a plea of no contest may be accepted only after due consideration of the views of the parties and the interest of the public in the effective administration of justice.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Judicial Officer

I certify that the judge personally advised me of the nature of the charges, the range of penalties, and my constitutional rights as indicated above. I understand the constitutional rights which I give up by entering this plea, and I desire to plead guilty or no contest as indicated above. I desire to proceed without an attorney, or if represented, my attorney's signature appears below.

Defendant: \_\_\_\_\_ Def. Attorney / Bar No.: \_\_\_\_\_ Interpreter: \_\_\_\_\_

I certify that the above named defendant personally appeared before me, and I acknowledge that he or she read all of the foregoing information and identified himself or herself to me by presenting the following form(s) of identification (drivers license number and/or picture identification):



Officer name and badge number:

Law Enforcement agency:

Address:

Telephone number:

I certify that I have personally advised the defendant telephonically:

1. Of the nature of the charges against him or her.
2. Advised the defendant of all constitutional rights which the defendant waived by pleading guilty/no contest.
3. Ascertained that the defendant wishes to give up the constitutional rights of which he or she has been advised.
4. Inquired as to the defendant's probation or parole status.

The court finds a basis in fact for believing that the defendant is guilty of the offenses charged and that the defendant's plea of guilty is voluntary and not the result of force, or threats or promises other than those contained in a plea agreement.

On the basis of these findings, I conclude that the defendant knowingly, voluntarily, and intelligently pleads guilty to the above charges, and I accept his or her plea.

Dated: \_\_\_\_\_

Judicial Officer \_\_\_\_\_

**AFFIDAVIT OF RESIDENCY**

Pursuant to Rule 17.1, Rules of Criminal Procedure, I request to resolve my pending criminal misdemeanor case(s) through a telephonic plea proceeding. I swear under oath and penalty of perjury that I am not a resident of the State of Arizona, but that I am a resident of the County of \_\_\_\_\_ in the State of \_\_\_\_\_

\_\_\_\_\_  
Defendant (print name)

\_\_\_\_\_  
Defendant's Signature

State of \_\_\_\_\_

County of \_\_\_\_\_

STATE OF ARIZONA -vs-  Defendant (FIRST, MI, LAST)	Plaintiff
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[CASE/COMPLAINT NO.]
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<b>Entry of Not Guilty Plea and Advisements</b>
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1. A plea of not guilty is hereby entered on the defendant's behalf to the following charge(s):

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2. The parties are notified that the next court appearance in this matter is for \_\_\_\_\_, on \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ a.m., before Judge \_\_\_\_\_, located at \_\_\_\_\_, Arizona.

3. The defendant is advised that the defendant has the right to be present at all future proceedings. If the defendant fails to appear for any proceeding, that proceeding may be held regardless of the defendant's absence, the defendant may be charged with an offense for failure to appear, and a bench warrant may be issued for the defendant's arrest. If the defendant fails to appear for trial, trial may be held in the defendant's absence and the defendant may be convicted and sentenced.

4. The defendant is further advised of the right to (jury) trial in this matter.

5. The defendant is further advised that discovery is available from the Prosecutor's office, as provided in rule 15.1, Rules of Criminal Procedure.

6. The defendant is directed to contact his/her attorney within 72 hours of service of this notice.

7. The defendant has requested an interpreter:  Spanish  Other Language \_\_\_\_\_

I acknowledge that I have received a copy of this document.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Defendant

\_\_\_\_\_  
Address

\_\_\_\_\_  
City State Zip

(\_\_\_\_\_) \_\_\_\_\_  
Telephone Number

Dated: \_\_\_\_\_

\_\_\_\_\_  
Defense Attorney Bar No.