

FINAL REPORT ON FELLOWSHIP RESEARCH

By

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For

CENTER OF CRIMINAL JUSTICE
ARIZONA STATE UNIVERSITY

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19150

READING ROOM

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INTRODUCTION

The walls of the prison system are the physical barriers that are ostracizing our fellow ex-felons from our society. Upon release from prison their struggle has just begun. Now begins the actual test period where he must find a decent job, stay out of trouble, and wait two long years before exercising his civil rights, if he petitions for them.

This pamphlet is directed at the ex-felon who "maxed out" of prison. It is bilingual and the translation into Spanish is not to be taken as a "standard" translation. It is directed at the average Spanish-speaking public and is not intended to meet any requirements of the "standard" Spanish. It is directed and dedicated to the Chicano ex-felon of Arizona, whom I call upon to rise up and free himself.

I recommend this pamphlet to the ex-felon interested in restoring his civil rights. It is an easy do-it-yourself plan on how to restore your civil rights.

The Center for Criminal Justice of ASU would serve the public of Arizona if this pamphlet were distributed throughout Arizona. I wholeheartedly believe that if circulated within the county it would benefit all of us directly and indirectly. Someone out there has a friend, a relative who may be in prison for a felony conviction, and this pamphlet will start him or her on the right track working back into our society.

In the preparation of this pamphlet I felt it necessary to interview various individuals working within the area of the restoration process of

the ex-felon in Arizona. Those with whom I personally spoke with and discussed these issues were some individuals who wished to remain anonymous in this report. Therefore, I am only able to identify their positions. Such interviews were conducted with a Superior Court Criminal Judge, Criminal Division, Maricopa County; Clerks of the Superior Court in Phoenix; an official within the Department of Corrections for the state of Arizona; two Probation Officers; a Captain in the Phoenix Police Department in Community Relations; and various ex-felons who now reside in Maricopa County. The following information was presented to me during the period of January 1, 1974 through October 17, 1974. This information can also be found within the context of the pamphlet "¡Ya Basta!", prepared under Grant No.(s) NI-74-99-1001, 73 NI 991021 from the Law Enforcement Assistance Administration, U.S. Department of Justice.

Since the pamphlet is geared mainly at the Spanish-speaking ex-felon, my concern was for the Chicano who faces problems in the restoration of his civil rights. According to the Superior Court Criminal Judge, the biggest problem faced by the Chicano ex-felon is himself. The Spanish-speaking ex-felon has to overcome the obstacles of bureaucratic red-tape. This means that the ex-felon has to complete various application forms in order to complete the restoration process. In the judge's opinion, the only obstacle lies in applying. These ex-felons are not applying for civil rights restoration upon their release from prison. They must wait for a period of two years after their release before they can apply. The judge sees it as a negative attitude on the part of the ex-felon in regards to his civil rights. The judge also pointed out that the biggest reason for the Chicanos not applying to restore their civil rights is their own ignorance in not knowing that he lost them. The ex-felon is usually from a low socioeconomic level

prior to conviction of a felony. When released, he goes right back out and joins the unskilled labor force. Among these are industry, construction, or field labor areas where one's background is not necessary to obtain employment. So long as he is able to work and earn a living, the ex-felon disregards his status as a non-politically involved individual through his fate of having been convicted of a felony.

The judge encouraged me to seek out further information from clerks working in the Superior Court Division, where I would obtain an application for civil rights restoration forms. To my dismay, I found that upon my inquiring for the forms, those with whom I spoke did not know what I was requesting. The application forms themselves are labeled "Application for Restoration of Civil Rights". The clerks indicated that very few ex-felons actually come to the Superior Court building to pick up application forms. This could be the reason for their not being familiar with my requests. I spoke with the same two clerks at the Superior Court building who had worked with at least ten years combined experience. In that period of time, none could recall anyone who had come to the building to ask for application forms for the restoration of civil rights prior to my own request. (See Appendix D, E, and F.)

My next interview took me to the Department of Corrections. I spoke with Ed Aikens, the Department of Corrections - Community Service Administrator. Aikens is in charge of issuing the Certificate of Absolute Discharge, a form which has to be attached to the Civil Rights Restoration forms which are picked up at the Superior Court clerk's office.

To get an appointment with this individual it took me a few days. I make a note of this because to some Chicanos who don't yet understand the

bureaucracy involved in meeting with agency officials the delay might be interpreted as a negative attitude on the part of the public official towards him. What of the ex-felon who needs assistance and is leery of asking a state agency for this certificate?

Ed Aikens told me that before an ex-felon can file his application form for civil rights restoration, the Certificate of Absolute Discharge is the most important document which can be obtained to complete the restoration process. The application forms are invalid without the Certificate of Absolute Discharge. (See Appendix A, B, and C)

My next interviews were with two probation officers who work for the State of Arizona. The Probation Officer does all the paperwork and leg work for the felon concerning judges, Superior Court clerks, county attorneys, and, of course, the Corrections Department.

The Captain of Community Relations for the Phoenix Police Department was the individual who impressed me the most. Even though his role does not place him in direct contact with ex-felons he, nevertheless, offered to help me by getting names of individuals who had restored their civil rights or of persons who had not bothered to do so. I must confess that the group with restored civil rights were in a small minority and not very helpful. They refused to go into details about the mechanics of going about the restoring of their own civil rights.

The ex-felons, like most of our community members, are made up of all types of individuals, ranging from the well-educated to the non-educated ones. The former has no trouble adjusting and usually is well off financially so that he can hire a lawyer to do all the necessary protocol and restore his civil rights without any hassles.

What rights are suspended upon conviction of a felony? What is it that the ex-felon has to suffer? A small discussion of the Arizona Revised Statutes is necessary in order to understand the legalities with which the ex-felon has to deal. Arizona Revised Statute Annotated § 13-1653 (1956). This law governs the person who is convicted of a felony in the state of Arizona. The law provides the following: A.R.S. § 13-1653 (A) "A sentence of imprisonment in the state prison for any term less than life suspends the civil rights of the person so sentenced, and forfeits all public offices and private trusts, authority or power during such imprisonment." [A.R.S. Annotated § 13-1653 (1956)].

The effect of the statute on felons: With this law, a person of any type of profession, whether professional or unskilled, loses all his civil rights upon a felony conviction. Some of the rights which are suspended are important to all the individuals concerned. To a married couple it could mean that their marital relationship has been severed, or constitute grounds for divorce. In other words, if either spouse is convicted of a felony the other has sufficient grounds for divorce. If an individual owns a business which requires the purchase of a license, the business will be suspended, if not transferred to a family member, until one restores his civil rights.

The psychological damage for the ex-felon comes when he tries to work back into society without any civil rights. In our type of society one has to fill out application forms for all types of employment or agencies which are government-operated. You must disclose your whole background, indicate whether you have ever been convicted of a felony, and, if so, when and where. This type of information will later be checked and rechecked. Sometimes prior police records will be reason enough to prevent employment. Or, if an

individual is an unskilled worker with no job prior to conviction, it is not easy for the ex-felon to come back and begin to pick up the pieces and lead a normal life. This usually ends up as a minus for the ex-felon who becomes a repeater and returns to the state prison. Sometimes the unskilled worker is also unaware of the law and has never participated in the political aspects of society. The rights which are suspended go unnoticed. The ex-felon does not know what he has lost. This is a good argument because ignorance of the law is the biggest problem in restoring ones' civil rights.

What if an individual is politically involved and is convicted of a felony? The suspension of his voting rights automatically occurs. He remains without them until two years after his release and then only after he has made proper application to restore them. Some individuals who are convicted of a felony never understand or have knowledge of their civil rights suspension and upon release continue to live non-politically without ever caring about their political civil rights.

Statute Governing the Restoration of Civil Rights: A.R.S. Ann. § 13-1741 - 1745. This section of the law governs the rules and regulations of civil rights restoration for ex-felons. § 13-1742: (See Appendix H-K) Deals with persons who are on probation. The person on probation has to fulfill his period of obligation under a probation officer. This occurs when a person is released and is not in prison, but remains under the guidance of a probation officer until his probation period is over. This felon has an easier life because he is never detached from the outside environment and remains free from prison walls with only periodic checks with his probation officer. This person on probation has an easier access to his civil rights restoration because of the probation officer. The officer can do all the

required red tape if the ex-felon wishes to have his rights restored. All the ex-felon has to do is give written authorization to his probation officer to restore his civil rights. The Probation Officer files the required paperwork and does the legwork of going to the different agencies to get the person cleared. The probation officer does everything for the ex-felon from the beginning, filing application forms, to the end process, going before the sentencing judge and requesting ex-felons' restoration of civil rights. (See Appendix G)

Arizona Revised Statute Ann. § 13-1743: This section deals with ex-felons who "maxed out" or do all their time behind prison walls. This is the person for whom the pamphlet is intended. (See Appendix C.)

I followed-up on this person because he is detained in prison for the term of sentence for whatever crime he committed. The term of sentenced completed which this ex-felon has to wait is a two-year period before he can apply for his civil rights. This two-year period is not a probationary period. The ex-felon is free to do as he wishes, but without his civil rights. So, after serving out his sentence, the ex-felon must endure two years which will be a time of adjustment. With no job waiting for him when he comes out the ex-felon is at a great disadvantage. After serving time and waiting the two years, the ex-felon who wishes to restore his civil rights is not eligible. To apply there are, however, a few application forms to be filled out and at least thirty more days of waiting before the application can be valid. The following is what a "max out" must do: He must write or appear in person to the Department of Corrections and request his Certificate of Absolute Discharge.

The Certificate of Absolute Discharge is a form which certifies that he

has successfully met all requirements of the sentence and is now eligible to apply for his civil rights. (See Appendix A and B.)

The next step the ex-felon must follow is the requesting of applications for his civil rights restoration from the clerk at the Superior Court. This is a simple process because the forms are given to you the very same day they are requested. After filling out the forms and making sure one has the Certificate of Absolute Discharge attached to the application forms, the ex-felon can hand them back to the Superior Court Clerk. The matter is now in the hands of the Justice Department and the clerk must issue one copy to the county attorney from the county he was originally sentenced.

If the county attorney has reason to deny restoration, he must notify the applicant and the judge three days prior to the hearing date. The hearing date is set not less than thirty days after the application is filed. The judge has the final say-so in the matter and he may overrule the county attorney's reasons for denial. (See Appendix G.)

In Arizona, the laws governing the ex-felon are basically working against this individual. The reason I state this is because the ex-felon, like most other groups, is basically classified into another group. Society, in this case, has outcasted this individual right out of a normal existence. This could be one of the reasons for offenders to become repeaters. The only life the ex-felon knows is the one he has lived. If we, as a society, do not work to get this individual back into the mainstream of our society, we are failing ourselves. I say this because we have nothing to lose by advocating a better society to train and educate the ex-felons and by providing an atmosphere that allows him to work into our society.

Arizona should join those states which have the automatic restoration

once they are released from state or federal prison.

In my opinion, little attention has been given to those provisions that deprive ex-felons of their civil rights. The statutory provisions governing the eventual restoration of such rights to the ex-felon upon his release has also been neglected, especially in the state of Arizona. At the present time, the ex-felon who "maxes out" can restore his civil rights on his own. It is not necessary that a lawyer is consulted for civil rights restoration. No fee is involved in obtaining forms. The ex-felon nevertheless must endure the bureaucracy which is involved if he does decide to obtain those forms on his own. This is another reason why Arizona should adopt the automatic system of civil rights restoration. The bureaucracy would then be eliminated. This would save the ex-felon the embarrassment of background investigations. At the same time, this would save the state monies, by eliminating unnecessary agencies which deal with ex-felons.

Citizens must become familiar with the legislation which affects ex-felons. We must also alert the ex-felon to become more aware of the opportunities he is missing by not restoring his civil rights. Many ex-felons who do not go through the restoration process never regain their voting powers. Politicians should become more aware of the political force behind such a group as the ex-felon. For example, in Maricopa County alone, approximately 5,000 Spanish-surnamed ex-felons have never applied for the restoration of civil rights. If this group were to regain political strength, it is possible that such a group could make it possible for the legislature to repeal those statutes which forbid ex-felons from automatically receiving their civil rights upon release from state or federal prisons.

Many ex-felons with whom I spoke are convinced that the two-year waiting

period in Arizona applies only to the ex-felon who has "maxed out", i.e., released from prison without being placed on probation. They also felt that they had already paid their debt to society by serving their sentence and by "maxing out". But they still felt that they were subjected to two years of harrassment by having to undergo the unnecessary two-year waiting period before their civil rights could be restored. Some ex-felons have gone so far as to refuse to apply for their certificate of restoration as a way of telling the state that it is an unjust period to which they are subjected. By refusing to apply for restoration they are only injuring themselves by not having any civil rights at all. This waiting period is unjust. Those individuals interviewed, including the judge and all officials with whom I spoke, are all in agreement. The legislature is the one body that can repeal such a law.

One ex-felon that I interviewed is a perfect example of what happens to an individual who does not care to restore his civil rights because of the bureaucratic red tape involved, and now because of the unfairness of the two-year waiting period. It seemed that the prison officials had told him that he could never restore his civil rights. This man did not kill anyone, nor did he rob anyone. He was convicted of a felony and did two and one-half years at the state prison in Florence, Arizona. Between the period of 1949 and 1952 this individual remained in the Arizona State Prison. I offered to go with him and help him obtain his application forms, but he refused. He still remembered the statement that was made to him during his stay in the state prison, a period which occurred 23 years ago. This individual still maintained that "I've gone 23 years without them. What good would it do now? No, thank you! Screw the system!" By the mere fact that a prison official

can make such a statement about the prisoner's civil rights without any justification or knowledge of the law is in itself an indication that the prison system should be investigated or changed, or reformed.

One of the ways in which I suggest aiding ex-felons is by setting up work shops within the prison system. The workshops could be set up and maintained by the prisoners themselves. Topics such as socialization, environment, and other subjects which would help these individuals when they are released could be discussed. The workshops could be visited by classes implemented within the university curriculum classes which concern individuals who are interested in the area of corrections, i.e., School of Social Work, Law, Criminal Justice. Let's meet the ex-felon half-way. Conduct workshops with them. If the university student is interested in working with people let's begin by exposing him to the problems faced by the prisoners and ex-felons. If prisoners get involved and run workshops in their own interests, we are motivating them to teach us; and at the same time, we are aiding them in associating them with our society upon their release.

We can, therefore, inform them of their civil rights and show them how they can restore them by following the necessary procedures.

APPENDIX A

STATE OF ARIZONA
DEPARTMENT OF CORRECTIONS
CERTIFICATE OF ABSOLUTE DISCHARGE

TO:

Arizona State Prison No. _____

This is to certify that you have complied with the terms of sentence and parole imposed and are hereby discharged as of _____
19_____.

The Arizona Department of Corrections is happy, therefore, to issue this evidence of your complete discharge from parole and the sentence passed on _____, 19_____.

We express to you our good wishes for your future. We hope your conduct will be such that it will reflect credit to yourself and to society.

Very truly yours,

Director

Dated this _____ day of _____, 19_____

APPENDIX B

(SAMPLE LETTER)

Dear:

It has been my privilege to issue to you an Absolute Discharge from the custody of the Department of Corrections.

You have earned this Discharge and should be proud of your achievement.

Attached is a copy of the laws relating to restoration of civil rights, should you care to proceed toward full restoration.

Please contact the Division of Parole at any time we can be of service to you in the future.

Congratulations on a job well done.

Sincerely yours,

John J. Moran
Director

Enclosure

bc: Harold J. Cardwell, Superintendent
Arizona State Prison

APPENDIX C

Ariz. Rev. Stat. Ann. Statute 13-1743 (Supp. 1973)
Applications by Persons Discharged from Prison
(Chap. 221, HR388)

A. Upon proper application, a person who has received an absolute discharge from imprisonment may have any civil rights which were lost or suspended by his conviction restored by the Superior Court Judge by whom the person was sentenced or his successors in office from the county in which he was originally sentenced.

B. A person who is subject to the provisions of subsection A may file, no sooner than two years from the date of his absolute discharge, an application for restoration of civil rights that shall be accompanied by a certificate of absolute discharge from the Director of the Department of Corrections. The clerk of the Superior Court that sentenced the applicant shall have the responsibility for processing applications for restoration of civil rights upon request of the person involved, his attorney or a representative of the State Department of Corrections. The Superior Court shall cause a copy of the application to be served upon the county attorney.

APPENDIX D

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF MARICOPA

APPLICATION FOR RESTORATION

OF CIVIL RIGHTS OF

_____ APPLICANT

Civil No.
ORDER RESTORING
CIVIL RIGHTS

THE COURT having considered the application of _____
for restoration of civil rights filed herein, and it appearing that a copy of
said application has been served upon the County Attorney of Maricopa County,
Arizona, and that said application is proper and should be granted.

IT IS ORDERED that any and all civil rights of the applicant which were
lost or suspended by the applicant's felony conviction be and they are hereby
restored.

DONE IN OPEN COURT this _____ day of _____, 19____.

JUDGE

APPENDIX E

THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF MARICOPA

APPLICATION FOR RESTORATION

Civil No.

OF CIVIL RIGHTS OF

APPLICATION FOR RESTORATION
OF CIVIL RIGHTS

Discharged from State Prison

APPLICANT

The undersigned applicant alleges:

1. On _____ in the Superior Court of Maricopa County, Arizona, the applicant was convicted of the crime of _____, a felony, in case No. _____ and was sentenced to the Arizona State Prison.

2. On _____, a date two (2) or more years before the date of this application, the applicant received from the director of the Department of Corrections an absolute discharge from imprisonment, a certificate of said discharge being attached to this application.

THE APPLICANT RESPECTFULLY REQUESTS that all of the applicant's civil rights which were lost or suspended by said felony conviction be restored pursuant to the provisions of Arizona Revised Statutes title 13, sections 1741, 1743 and 1745.

Dated this _____ day of _____, 19_____.

APPLICANT

Address

ORDER

IT IS ORDERED that the foregoing application for restoration of civil rights is set for hearing in division No. _____ of this court on the _____ day of _____, 19_____ at _____ .m.

Done in open court this _____ day of _____, 19_____.

Sentencing Judge or his successor

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA

APPLICATION FOR RESTORATION

Civil No.

OF CIVIL RIGHTS OF

APPLICATION FOR RESTORATION

CIVIL RIGHTS

Discharged from Federal Prison

APPLICANT

The undersigned applicant alleges:

1. The applicant is a legal resident of Maricopa County, Arizona.
2. On _____, in the United States District Court, District of _____, the applicant was convicted of the crime of _____, a felony, in case No. _____ and was sentenced to the federal penitentiary at _____.
3. On _____ a date two (2) or more years before the date of this application, the applicant received from the director of the Federal Bureau of Prisons an absolute discharge from prison.
4. (a) A certificate of the applicant's absolute discharge from director of the Federal Bureau of Prisons is attached to this application; or
(b) If the certificate referred to in the preceding paragraph is not available, state the reasons why it is impossible to obtain such certificate:

THE APPLICANT RESPECTFULLY REQUESTS that all of the applicant's civil rights which were lost or suspended by said felony conviction be restored pursuant to the provisions of Arizona Revised Statutes title 13, sections 1751, 1753 and 1754.

Dated this _____ day of _____, 197_____.

Applicant

Address

ORDER

IT IS ORDERED that the foregoing application for restoration of civil rights is set for hearing in division No. _____ of this court on the _____ day of _____, 197_____ at _____ .M.
Done in open court this _____ day of _____, 197_____.

Presiding Judge

APPENDIX G

RULES OF CRIMINAL PROCEDURE:

Rule 29.2(a) Certificate of Absolute discharge from director of the Department of Corrections

Rule 29.3 Hearing date

The date for hearing the application shall be set not less than 30 days after the date the application is filed.

Rule 29.4 Response by the county attorney

At least 3 days before the date of the hearing the county attorney may file a written response setting forth any reasons for opposing this application, sending a copy thereof to the applicant and his attorney, if any.

Rule 29.5 Disposition

If an application is denied, the reasons therefor shall appear in the court's order.

COMMENT

The court has full discretion with respect to restoration of rights and vacation of conviction applications. Ariz. Rev. Stat. Ann 13-1745 (Supp. 1972). The court is however required to state its reasons if it denies an application. Under Rule 35.6, a copy of an order disposing of an application must be sent to the applicant. This copy is often necessary to secure for the applicant his restored rights.

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA

The State of Arizona

vs.

Cause No. _____

ORDER OF DISCHARGE
FROM PROBATION

IT IS ORDERED, pursuant to A.R.S., Section 13-1657 (D) and P.C.P. 27.4 that defendant is hereby discharged from probation in this cause.

DATED this _____ day of _____, 19__.

Judge of the Superior Court

The defendant is advised that A.R.S. Sections 13-1742 and 13-1744 provide as follows:

§ 13-1742. Persons completing probation

A. A person whose period of probation has been completed may have any civil rights which were lost or suspended by his felony conviction restored by the judge who discharges him at the end of the term of probation.

B. Upon proper application, a person who has been discharged from probation prior to the adoption of this article may have any civil rights which were lost or suspended by his felony conviction restored by the superior court judge by whom the person was sentenced or his successors in office from the county in which he was originally convicted. The clerk of such superior court shall have the responsibility for processing the application upon request of the person involved or his attorney. The superior court shall cause a copy of the application to be served upon the county attorney.
As amended, Laws 1971, Ch. 159

§ 13-1744. Right of discharged probationer to withdrawal of plea of guilty or vacation of verdict of conviction; release from disabilities; making of application; pleading of conviction in prosecution for subsequent offense.

Every defendant who has fulfilled the conditions of his probation for the entire period thereof or who shall have been discharged from probation prior to the termination of the period thereof may at any time thereafter be permitted by the court to withdraw his plea of guilty and enter a plea of not guilty, or if he has been convicted after a plea of not guilty, the court may set aside the verdict of guilty. In either case the court may thereupon dismiss the accusations or information against such defendant, who shall thereafter be released

APPENDIX II
(Continued)

from all penalties and disabilities resulting from the offense or crime of which he has been convicted. The probationer shall be informed of this right and privilege in his probation papers. The probationer may make such application and change of plea in person or by attorney or by the probation officer authorized in writing, provided that in any subsequent prosecution of such defendant for any other offense, such prior conviction may be pleaded and proved and shall have the same effect as if probation had not been granted or the accusation or information dismissed.

Added Laws 1970, Ch. 221.

APPENDIX J

(SAMPLE LETTER)

RE: Expiration of Probation
and Order of Discharge

On _____ Maricopa County Superior Court
Judge _____ Adjudged you guilty of _____
_____, a (Misdemeanor, Felony), and placed
you on probation for a period of _____.

This is to inform you that your probation has ended. The enclosed copy is a legal document which states that your probation on the above charge has been completed.

Congratulations on the successful completion of your probation.

Very truly yours,

H. C. Duffie, Chief
Adult Probation Officer

Adult Probation Officer

JLH

Enclosure

APPENDIX I

(SAMPLE LETTER)

RE: Termination of Probation

On _____ Maricopa County Superior Court Judge _____
adjudged you guilty of _____,
a (Misdemeanor, Felony) and placed you on probation for a period of _____.

This is to inform you that your probation period has been terminated due to your good conduct. The enclosed form is a legal document which verifies the fact that your probation for the above charge has been terminated.

If there are any questions concerning this matter, please do not hesitate to call me.

Very truly yours,

H.C. Duffie, Chief
Adult Probation Officer

Adult Probation Officer

JLH

Enclosure

APPENDIX K

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA

THE STATE OF ARIZONA

vs.

Defendant

Criminal Case No. _____

APPLICATION OF DEFENDANT: TO
WITHDRAW PLEA OF GUILTY OR; TO
VACATE AND SET ASIDE VERDICT OF
GUILTY AND ORDER SETTING HEARING
ON APPLICATION

COMES NOW the defendant (in person) (by H___ attorney) (by h___ probation officer) and alleges:

1. That on the _____ day of _____, the defendant entered a plea of guilty herein to the crime of _____ a (felony) (misdemeanor); or

1. That on the _____ day of _____, a verdict of guilty was returned and recorded herein finding the defendant guilty of the crime of _____, a (felony) (misdemeanor).

2. That on the _____ day of _____, this court entered its judgment of guilt on said (plea of guilty) (verdict of guilty) and suspended the imposition of sentence upon the defendant for a period of _____ (year(s) (months) from said date and placed the defendant on probation under the charge and supervision of a probation officer of this court.

3. That the defendant has fulfilled the conditions of his probation for the entire period thereof and has been discharged therefrom by (the court) (operation of law); or

3. That the defendant has been discharged from probation prior to the termination of the period thereof by order of this court entered on the _____ day of _____.

4. That attached hereto is defendant's authorization in writing for the probation officer to make this application on behalf of the defendant.

WHEREFORE the defendant requests that (___ he be permitted to withdraw h plea of guilty to the crime charged and enter a plea of not guilty thereto) (the court set aside the verdict of guilty) and that the court dismiss the accusations or information against h___ and that ___ he be released from all penalties and disabilities resulting from the offense or crime of which ___ he was convicted.

DATED this _____ day of _____

Applicant

Address

APPENDIX K
(Continued)

O R D E R

IT IS ORDERED that the foregoing application is set for hearing in (Criminal)
Division _____ of this court on the _____ day of _____,
at _____ .M.

DATED this _____ day of _____ Judge _____

A copy of the foregoing Application and Order was
served on the County Attorney of Maricopa County,
Arizona, this _____ day of _____.

By _____

END

10/10/1944