

STATE OF ARIZONA VS.	CRIMINAL MISDEMEANOR COMPROMISE	CASE NO. CR
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A F F I D A V I T

STATE OF ARIZONA)
) ss.
COUNTY OF PIMA)

Pursuant to A.R.S. 13-3981*:

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

1. That I am the person who sustained damages and/or injuries as a result of the incident which gave rise to the charges of _____ against _____, the defendant, on _____, 19__;

2. That I have a civil remedy for the injuries and/or damages I received:

3. That I am aware that if I do not appear in court to testify against the defendant the charges against him/her will be dismissed.

4. That I do not intend to appear in Court to testify against the defendant.

(sign)

SUBSCRIBED AND SWORN to before me this _ day of ___, 19
My Commission Expires:

Notary Public

* A domestic violence case, an assault or a charge of threatening or intimidation shall not be compromised except on recommendation of the prosecuting attorney. St. v. Larson, 159 Ariz. 14, 764 P.2d. 749.

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

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

A misdemeanor compromise does not automatically result in dismissal of assault or domestic violence cases. However, it may apply in some of those cases. Prior approval of the prosecutor must be obtained before such will be allowed. A misdemeanor compromise cannot be used when the offense is committed by or upon an on-duty officer of justice, if the offense is committed riotously or if committed with intent to commit a felony or in the following: Indecent exposure¹, disturbing the peace², leaving the scene of an accident³ or failure to yield the right of way⁴.

If you are the defendant or victim and wish to have the criminal case dismissed, the victim needs to completely fill out, sign and have notarized the attached form. You must return it in person to the Pima County Justice Court, along with a copy of the Police Report on the new court date that you have been assigned.

Finally, if you are not a United States citizen and were charged with a crime involving moral turpitude (such as theft or shoplifting) a misdemeanor compromise may avoid negative immigration consequences as a result of the charge.

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

¹ A.R.S. 13-1402, Baumert, 130 Ariz.256, 157, 635 P.2d 849, 850.

² Formerly A.R.S.13-371, Williams, 20 Ariz. App. 282, 512 P.2d. 45.

³ A.R.S. 28-661, Baumert (Vega), 125 Ariz. 429, 610 P.2d 63.

⁴ A.R.S. 28-771, Williams, 18 Ariz. App. 394, 502 P.2d 543.