

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

Clerk of the Superior Court
*** Electronically Filed ***
COC Auto-Accept
7/26/2021 9:10:00 AM
Filing ID 13167300

State of Arizona

VS.

Arlena M Willes

Defendant

No: CR2019-005397-001

NOTICE OF RIGHTS AFTER CONVICTION AND PROCEDURE

RIGHT TO APPEAL.

You have a right to appeal from a final judgment of conviction or a verdict of guilty except insane, from an order denying a motion for new trial, from an order entered after judgment affecting your substantial rights, or from a sentence that you claim is illegal or excessive.

However, you do not have a right to direct appeal from your final judgment of conviction and sentence if you: (1) entered a plea of guilty or no contest; (2) admitted that you violated your conditions of probation or had an automatic probation violation based on a plea of guilty or no contest; or (3) failed to appear at sentencing, which resulted in sentencing occurring more than 90 days after the date of conviction. In these three situations, you may seek relief only by filing a notice and petition for post-conviction relief under Rule 33. (See the section below on post-conviction relief.)

EXERCISING YOUR RIGHT TO APPEAL.

1. Notice of Appeal. If you want to appeal from a judgment of conviction and imposition of sentence, you must file a Notice of Appeal (Form 24(a)) within 20 days after the court's oral pronouncement of your sentence in the courtroom. If you want to appeal from any other appealable judgment or order, you must file a Notice of Appeal (Form 24(a)) no later than 20 days after entry of the judgment or order. You will lose your right to appeal if you do not file a Notice of Appeal within the time required.
If you want to appeal, you should let your lawyer know that you want to appeal. You can file a Notice of Appeal before you leave the courtroom on the day you are sentenced. After that, you should contact your lawyer by phone, letter, or in person, and tell your lawyer that you want to appeal.
2. If You Want to Appeal but Do Not Have a Lawyer. If you do not have a lawyer, ask the clerk of the court, or staff at the jail or prison where you are incarcerated, for Form 24(a), which is a Notice of Appeal. Also ask for Form 5, which is the Defendant's Financial Statement and Request for Appointment of Counsel. Complete both forms and immediately file them with, or send them to, the clerk of the superior court in the county where you were sentenced. These forms must arrive at the clerk's office within 20 days after the date you were sentenced.
3. Waiver of the Right to a Lawyer. You have a right to be represented by a lawyer for your appeal, and you should have a lawyer handle your appeal. However, you may also represent yourself. If you choose to waive your right to appellate counsel, you must file a written waiver no later than 30 days after filing your notice of appeal. If you file your waiver before you file your notice of appeal, or at the same time, the waiver must be filed in the superior court. If you file your waiver after you filed your notice of appeal, you must file the waiver in the superior court and in the appellate court. If the superior court determines that your waiver of appellate counsel is knowing, intelligent, and voluntary, you will be allowed to represent yourself on appeal. But the court may appoint advisory counsel for you during any stage of the appeal.

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RIGHT TO POST-CONVICTION RELIEF.

Every defendant in the superior court has a right to request post-conviction relief under Rule 32 or 33.

1. **What to File.** To exercise your right to post-conviction relief, you first must file a Notice Requesting Post-Conviction Relief, Form 24(b).
2. **When to File.** If you do not file a Notice Requesting Post-Conviction Relief within the required time, you may lose the opportunity to have the court correct any errors that might have occurred in your case.
 - (a) *If you did not have an appeal.* If you did not file, or if you did not have the right to file, a Notice of Appeal, you must file a Notice of Post-Conviction Relief within 90 days after the oral pronouncement of sentence.
 - (b) *If you did have an appeal.* If you did appeal, you must file a Notice Requesting Post-Conviction Relief within 30 days after the appellate court issues an order and mandate affirming the judgment and sentence.
 - (c) *If you did not have a right to appeal but you had a first post-conviction proceeding and wish to raise a claim that post-conviction counsel was ineffective in a successive post-conviction proceeding.* If you did not have the right to appeal but you did seek post-conviction relief in a first proceeding and you claim your attorney in that proceeding was ineffective, you must file a Notice Requesting Post-Conviction Relief within 30 days after the trial court enters its final order in the first proceeding, or, if you sought appellate review of that order, no later than 30 days after the appellate court issues an order and mandate in that first proceeding.
3. **How to File.** You must obtain a copy of Form 24(b) (Notice Requesting Post-Conviction Relief) from your attorney, the clerk of the court, or staff at the jail or prison where you are incarcerated. Complete the notice and file it with, 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 the time specified in paragraph 2.
4. **Requesting a Lawyer.** If you want a lawyer to represent you in your post-conviction proceeding and you cannot afford to hire a lawyer, you must sign the declaration of indigency contained in the Notice Requesting Post-Conviction Relief and ask the court to appoint a lawyer 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.

RIGHT TO APPLY TO HAVE A CONVICTION SET ASIDE.

On fulfillment of the conditions of probation or sentence, and discharge by the court, you may apply to the court where you were sentenced to have the judgment of guilt set aside. Your attorney or probation officer can apply on your behalf. If you were convicted of multiple offenses, the court must act on each individual case and each individual count. If you have more than one case number, you must file a separate application for each case number. The court will not charge a fee for filing an application to set aside a conviction. The Application to Set Aside Conviction (Form 31(a)) is available online from the Arizona Judicial Branch Self-Service Center and from most superior court web sites. Complete the form and file it with, or send it to, the clerk of the superior court of the county where you were sentenced.

Note: A person who was convicted of any of the offenses listed in A.R.S. § 13-907(K) cannot apply to have the conviction set aside

SUSPENSION OF CIVIL RIGHTS AND OCCUPATIONAL DISABILITIES (A.R.S. § 13-904)

A conviction for a felony suspends the following civil rights of the person sentenced; the right to vote; the right to hold office; the right to serve as a juror; the right to possess a firearm; and during any period of imprisonment any other civil rights the suspension of which is reasonably necessary for the security of the institution in which the person sentenced is confined or for the reasonable protection of the public.

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RIGHT TO AUTOMATIC RESTORATION OF CIVIL RIGHTS (FIRST OFFENDERS) (A.R.S. §13-907)

On final discharge (“final discharge” means completion of probation or the receipt of an absolute discharge from the State Department of Corrections of the United States Bureau of Prisons), any person who has not previously been convicted of a felony offense shall automatically be restored any civil rights that were lost or suspended as a result of the conviction if the person pays victim restitution imposed. A person entitled to automatic restoration of civil rights pursuant to A.R.S. §13-907 is not required to file an application. Restoration of the right to possess a firearm requires an application pursuant to A.R.S. § 13-910 (see below).

RESTORATION OF CIVIL RIGHTS (SECOND OR SUBSEQUENT OFFENSE) (A.R.S. §§ 13-906, 13-907 and 13-908)

If you have previously been convicted of a felony or you have not paid your restitution, you may apply for restoration of any civil rights that were lost or suspended as a result of the conviction on final discharge from probation or no sooner than two (2) years from the receipt of an absolute discharge from the State Department of Corrections or the United States Bureau of Prisons. Your attorney or probation officer may apply on your behalf. The restoration of civil rights is in the discretion of the judicial officer.

RESTORATION OF RIGHT TO POSSESS A FIREARM (A.R.S. § 13-910)

If you were **convicted of a dangerous offense** under § 13-704 or an offense committed in another state that would be a dangerous offense under §13-704 **you may not file for restoration of the right to possess a firearm.**

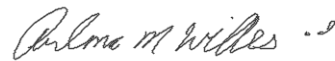
If you were convicted of a serious offense as defined in §13-706 or an offense committed in another state that would be a serious offense under §13-704 you may not file for restoration of the right to possess a firearm for **ten (10) years** from the date of absolute discharge from the State Department of Corrections or the United States Bureau of Prisons. The restoration of the right to possess a firearm is in the discretion of the judicial officer.

If you were convicted of any other felony offense you may not file for the restoration of your right to possess a firearm for **two (2) years** from the date of completion of probation or upon receipt of an absolute discharge from the State Department of Corrections or the United States Bureau of Prisons. The restoration of civil rights is in the discretion of the judicial officer.

RECEIPT BY THE DEFENDANT

I have received a copy of this notice explaining my rights to appeal, to seek post-conviction relief, to apply for restoration of my right to possess a firearm, conviction set aside, and restoration of civil rights. I have received a copy of the procedures I must follow to exercise those rights.

DATE: 07/26/2021



Defendant