

STATE VS.: \_\_\_\_\_

(Defendant's name)

COMPLAINT NO.: \_\_\_\_\_

(This is located at top left corner of Complaint)

**AFFIDAVIT OF CRIMINAL MISDEMEANOR COMPROMISE**

STATE OF ARIZONA )

) ss.

COUNTY OF PIMA )

I, \_\_\_\_\_, being first duly sworn, on oath, say as follows:  
(Victim's name)

1. I, \_\_\_\_\_, am a person who sustained damages and/or  
(Victim's name)

injuries as a result of the accident which gave rise to the **misdemeanor charge of**

\_\_\_\_\_  
(Criminal Damage, Theft, Biting Dog, etc.)

against \_\_\_\_\_, the defendant,  
(Defendant's Name)

on \_\_\_\_\_.  
(Month/Day/Year)

2. I understand that I have a civil remedy for the injuries and/or damages sustained.

3. Check one of the following:

\_\_\_\_\_ a. I have been fully compensated by the defendant for my losses.

\_\_\_\_\_ b. I do not seek compensation.

4. I am aware the by signing this affidavit, I indicate my desire not to appear in court to testify against the defendant, with the knowledge that the criminal misdemeanor charge against him/her may be dismissed.

\_\_\_\_\_  
(Victim's Signature)

*Parent or legal guardian must sign for a minor child.*

SUBSCRIBED AND SWORN to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

My commission Expires:

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

# **CRIMINAL MISDEMEANOR COMPROMISE INSTRUCTIONS**

## **WHAT IS A MISDEMEANOR COMPROMISE?**

A misdemeanor compromise is an agreement between a defendant and a victim in which the victim recommends that misdemeanor charges involving the victim be dismissed upon payment of the victim's economic loss.

## **TYPES OF CASES THAT CAN BE DISMISSED BY A MISDEMEANOR COMPROMISE**

Shoplifting, theft, criminal damage, assault, trespasses, biting dog and threats. Any offense which involves assault or assaultive behavior also requires the recommendation of the prosecutor before the court can dismiss it. Normally, the prosecutor will look to the severity of the crime in determining whether to withhold such recommendation.

## **TYPES OF CASES THAT CANNOT BE DISMISSED BY A MISDEMEANOR COMPROMISE**

Assaults against police officers; Any case involving DOMESTIC VIOLENCE or INDECENT EXPOSURE; Violations of Protective or Harassment Orders; Custodial or Visitation Interference; and, crimes in which the victim is a child.

## **PROCEDURE FOR OBTAINING DISMISSAL PURSUANT TO MISDEMEANOR COMPROMISE:**

If the charge is one that can be compromised, you need to:

1. Determine whether the victim is willing to enter into a misdemeanor compromise: Generally you may contact a victim directly if the victim is a legal entity such as a corporation, association (other than a neighborhood association) or a partnership. In most other instances, State law prohibits you from contacting the victim directly. You may contact these victims by submitting a written request for a compromise to the City Prosecutor's Office at P.O. Box 27210, Tucson, AZ 85726-7210. Your request will be forwarded to the victim. Include in your letter an address or telephone number where the victim may reach you if they are interested in discussing a misdemeanor compromise. You must also include your name and the citation or docket number. The victim may not wish to discuss the facts of the case but instead only the terms of the compromise. **Remember a victim's decision to enter a compromise is strictly voluntary.**
2. If you have determined that the victim is willing to discuss a misdemeanor compromise, arrange to compensate the victim to the victim's satisfaction, either directly or through your insurance company. Note: The victim is not required to sign any agreement even if his or her damages have been satisfied. **The decision to do so is strictly voluntary.**
3. Present the misdemeanor compromise form to the victim and ask the victim to sign the form, if satisfied. The victim's signature must be notarized. A notary public is available at most banks.
4. Submit the signed and notarized form to the City Prosecutor's Office-, located at 103 East Alameda, Suite 501, at least one week prior to your next court date, or bring it with you to your next court date.
5. The City Prosecutor will submit a dismissal motion to a City Court Magistrate. The case is dismissed as soon as the magistrate signs the dismissal order. If you have not received a copy of the prosecutor's motion to dismiss with a city magistrate's signature, it is still your obligation to come to your next court hearing.