

**SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SAN DIEGO**

**CERTIFICATE OF REHABILITATION  
& PARDON INSTRUCTION PACKET**



**FORMS INCLUDED IN THIS PACKET**

General Information – Certificate of Rehabilitation	SDSC Form #CRM-208
General Information - Pardon	SDSC Form #CRM-209
Instruction Sheet – Certificate of Rehabilitation & Pardon	SDSC Form #CRM-210
“How to Apply for a Pardon” State of CA, Office of the Governor	Information Sheet from <a href="http://www.cdcr.ca.gov">www.cdcr.ca.gov</a>
Petition for Certificate of Rehabilitation & Pardon	CA Dept. Corrections & Rehab. Form 1
Notice of Filing of Petition for Certificate of Rehabilitation & Pardon	CA Dept. Corrections & Rehab. Form 2



## SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO

- CENTRAL DIVISION, COUNTY COURTHOUSE, 220 W. BROADWAY, SAN DIEGO, CA 92101
- EAST COUNTY DIVISION, 250 E. MAIN ST. EL CAJON, CA 92020
- NORTH COUNTY DIVISION, 325 S. MELROSE DR., VISTA, CA 92081
- SOUTH COUNTY DIVISION, 500 3RD AVE., CHULA VISTA, CA 91910

### GENERAL INFORMATION – PETITIONS FOR CERTIFICATE OF REHABILITATION

The granting of a Certificate of Rehabilitation restores to the applicant some of the rights of citizenship which were forfeited as a result of a conviction. Defendants convicted of a felony, or a misdemeanor sex offense specified in Pen. Code § 290, and who were granted probation, must obtain relief pursuant to Pen. Code § 1203.4 before a Certificate of Rehabilitation may be granted.

Purpose	<table border="1"> <tr> <td data-bbox="365 512 483 653">Does</td> <td data-bbox="483 512 1520 653"> <ul style="list-style-type: none"> <li>➤ Relieve specified sex offenders of further duty to register (Pen. Code § 290.5 (a)).</li> <li>➤ Enhance a person’s potential for becoming licensed by state boards (Pen. Code § 4853).</li> <li>➤ Serve as an official document to demonstrate a person’s rehabilitation, which could enhance employment possibilities.</li> <li>➤ Serve as an automatic recommendation and application to the Governor for a pardon.</li> </ul> </td> </tr> <tr> <td data-bbox="365 653 483 848">Does not</td> <td data-bbox="483 653 1520 848"> <ul style="list-style-type: none"> <li>➤ Erase the felony conviction or seal the criminal record (Pen. Code § 4852.17).</li> <li>➤ Prevent the offense from being considered as a prior conviction if the person is later convicted of a new offense.</li> <li>➤ Allow a person to answer on employment applications that he/she has no record of conviction</li> <li>➤ Restore the right to vote (this right is automatically restored after the person is no longer imprisoned or on parole).</li> </ul> </td> </tr> </table>	Does	<ul style="list-style-type: none"> <li>➤ Relieve specified sex offenders of further duty to register (Pen. Code § 290.5 (a)).</li> <li>➤ Enhance a person’s potential for becoming licensed by state boards (Pen. Code § 4853).</li> <li>➤ Serve as an official document to demonstrate a person’s rehabilitation, which could enhance employment possibilities.</li> <li>➤ Serve as an automatic recommendation and application to the Governor for a pardon.</li> </ul>	Does not	<ul style="list-style-type: none"> <li>➤ Erase the felony conviction or seal the criminal record (Pen. Code § 4852.17).</li> <li>➤ Prevent the offense from being considered as a prior conviction if the person is later convicted of a new offense.</li> <li>➤ Allow a person to answer on employment applications that he/she has no record of conviction</li> <li>➤ Restore the right to vote (this right is automatically restored after the person is no longer imprisoned or on parole).</li> </ul>
Does	<ul style="list-style-type: none"> <li>➤ Relieve specified sex offenders of further duty to register (Pen. Code § 290.5 (a)).</li> <li>➤ Enhance a person’s potential for becoming licensed by state boards (Pen. Code § 4853).</li> <li>➤ Serve as an official document to demonstrate a person’s rehabilitation, which could enhance employment possibilities.</li> <li>➤ Serve as an automatic recommendation and application to the Governor for a pardon.</li> </ul>				
Does not	<ul style="list-style-type: none"> <li>➤ Erase the felony conviction or seal the criminal record (Pen. Code § 4852.17).</li> <li>➤ Prevent the offense from being considered as a prior conviction if the person is later convicted of a new offense.</li> <li>➤ Allow a person to answer on employment applications that he/she has no record of conviction</li> <li>➤ Restore the right to vote (this right is automatically restored after the person is no longer imprisoned or on parole).</li> </ul>				
Eligibility Criteria	<p>A person is eligible to apply for a Certificate of Rehabilitation if he/she:</p> <ul style="list-style-type: none"> <li>➤ Has been convicted of a felony and served a sentence in a California prison or other state penal institution or agency;</li> <li>➤ Was discharged on completion of the sentence or released on parole prior to May 13, 1943;</li> <li>➤ Has not been incarcerated in a state prison or other state penal institution or agency since being released; and</li> <li>➤ Presents satisfactory evidence of three years residence in California immediately prior to the filing of the petition.</li> </ul> <p style="text-align: center;"><b>OR</b></p> <ul style="list-style-type: none"> <li>➤ Was convicted of a felony or a misdemeanor sex offense specified in Pen. Code § 290, the accusatory pleading of which was dismissed pursuant to Pen. Code § 1203.4;</li> <li>➤ Has not been incarcerated in any penal institution or agency since the dismissal of the accusatory pleading;</li> <li>➤ Is not on probation for the commission of any other felony; and</li> <li>➤ Presents satisfactory evidence of five years residence in California immediately prior to the filing of the petition.</li> </ul> <p style="text-align: center;"><b>OR</b></p> <ul style="list-style-type: none"> <li>➤ Was convicted of a felony and, on May 13, 1943, was confined in a state prison or other institution or agency to which he/she was committed, or was convicted of a felony after May 13, 1943 and committed to a state prison or other institution or agency.</li> </ul>				
Ineligibility Criteria	<p>Persons who are ineligible to apply for a Certificate of Rehabilitation include those who do not meet the above eligibility criteria and those who were/are:</p> <ul style="list-style-type: none"> <li>➤ Convicted only of misdemeanors (except those convicted of a misdemeanor sex offense specified in Pen. Code § 290, which was dismissed pursuant to Pen. Code § 1203.4).</li> <li>➤ Convicted of Pen. Code §§ 286(c), 288, 288a (c), 288.5, or 289(j).</li> <li>➤ Serving mandatory life parole.</li> <li>➤ Committed to prison under a death sentence.</li> <li>➤ In the military service.</li> </ul>				
How to apply	<p>A Certificate of Rehabilitation and Pardon Instruction Packet (SDSC Form #PKT-016) may be obtained from this court and may be found at <a href="http://www.sdcourt.ca.gov">www.sdcourt.ca.gov</a>.</p>				



## SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO

- CENTRAL DIVISION, COUNTY COURTHOUSE, 220 W. BROADWAY, SAN DIEGO, CA 92101
- EAST COUNTY DIVISION, RAMONA, 1428 MONTECITO RD., RAMONA, CA 92065
- NORTH COUNTY DIVISION, 325 S. MELROSE DR., VISTA, CA 92081
- SOUTH COUNTY DIVISION, 500 3RD AVE., CHULA VISTA, CA 91910

### GENERAL INFORMATION FOR AN APPLICATION FOR A PARDON (PEN. CODE §§ 4800 et seq, 4853)

Any person who has been convicted of a criminal offense in California may apply directly to the Governor for a pardon. The granting of a pardon restores to the applicant some of the rights of citizenship which were forfeited as a result of the conviction. The granting of a Certificate of Rehabilitation pursuant to Pen. Code § 4852.01 automatically serves as a recommendation and application to the Governor for a pardon.

Purpose	Does	<ul style="list-style-type: none"> <li>➤ Allow an ex-felon to serve on a jury. (Code Civ. Proc. § 203(a)(5))</li> <li>➤ Allow restoration of firearm right, with federal approval, to specified offenders if granted a full and unconditional pardon, unless the conviction was for a felony involving the use of a dangerous weapon. (Pen. Code § 4854)</li> <li>➤ Allow certain ex-felons to be considered for appointment as a county probation officer or state parole agent, but not to any other peace officer positions. (Gov. Code § 1029)</li> <li>➤ Allow specified sex offenders still required to register after obtaining a Certificate of Rehabilitation to be relieved of the duty to register. (Pen. Code § 290.5(b)(1))</li> </ul>
	Does not	<ul style="list-style-type: none"> <li>➤ Seal or erase the record of conviction. (Pen. Code § 4852.17)</li> <li>➤ Prevent the pardoned offense from being considered as a prior conviction if the person is later convicted of a new offense.</li> <li>➤ Allow a pardoned person to answer on employment applications that he/she has no record of conviction.</li> <li>➤ Restore ability to own a firearm to ex-felons convicted of any offense involving the use of a dangerous weapon. (Pen. Code § 4854)</li> <li>➤ Pardon convictions from another state or federal convictions.</li> <li>➤ Necessarily prevent deportation.</li> </ul>
Traditional Pardon	The traditional pardon procedure, see Pen. Code §§ 4800-4813, is available to those persons who are ineligible to petition for a Certificate of Rehabilitation. This procedure is used primarily, although not exclusively, by California ex-felons who reside out-of-state and are therefore unable to satisfy the residency requirement. The traditional pardon procedure is also available to those individuals who have convictions for Pen. Code §§ 286(c), 288, 288a(c), 288.5 and 289(j).	
How to apply	A Certificate of Rehabilitation and Pardon Instruction Packet (SDSC #PKT-016) may be obtained from this court and is available at <a href="http://www.sdcourt.ca.gov">www.sdcourt.ca.gov</a> .	



## SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO

- CENTRAL DIVISION, COUNTY COURTHOUSE, 220 W. BROADWAY, SAN DIEGO, CA 92101
- EAST COUNTY DIVISION, RAMONA, 1428 MONTECITO RD., RAMONA, CA 92065
- NORTH COUNTY DIVISION, 325 S. MELROSE DR., VISTA, CA 92081
- SOUTH COUNTY DIVISION, 500 3RD AVE., CHULA VISTA, CA 91910

### INSTRUCTION SHEET – CERTIFICATE OF REHABILITATION & PARDON

Certificate of Rehabilitation	Eligibility	Refer to the “How to Apply for a Pardon” information forms from the Office of the Governor of the State of California to determine eligibility.				
		District Attorney	The Office of the District Attorney reviews and confirms eligibility requirements and may conduct an investigation regarding rehabilitation.			
	Filing Fees	There is no filing fee or any other court-related fee required when filing a Certificate of Rehabilitation. (Pen. Code § 4852.09)				
	Filing the Petition	<p>1. The petitioner must complete the following forms:</p> <ul style="list-style-type: none"> <li>➢ Notice of Filing For Certificate of Rehabilitation and Pardon (Form 2) - leaving the date, time, and department area blank.</li> <li>➢ Petition for Certificate of Rehabilitation and Pardon (Form 1).</li> </ul> <p>2. The forms must be submitted or mailed to one of the following locations:</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top;">                     Office of the District Attorney                      Attn.: Paralegal                      330 West Broadway, 8<sup>th</sup> floor                      San Diego, CA 92101                      (619) 531-4267                 </td> <td style="width: 10%; text-align: center; vertical-align: middle;"><b>OR</b></td> <td style="width: 40%; vertical-align: top;">                     San Diego Superior Court, Central Division                      220 West Broadway, Room 2005                      San Diego, CA 92101                 </td> </tr> </table>		Office of the District Attorney Attn.: Paralegal 330 West Broadway, 8 <sup>th</sup> floor San Diego, CA 92101 (619) 531-4267	<b>OR</b>	San Diego Superior Court, Central Division 220 West Broadway, Room 2005 San Diego, CA 92101
	Office of the District Attorney Attn.: Paralegal 330 West Broadway, 8 <sup>th</sup> floor San Diego, CA 92101 (619) 531-4267	<b>OR</b>	San Diego Superior Court, Central Division 220 West Broadway, Room 2005 San Diego, CA 92101			
	Order to Show Cause Hearing	If the District Attorney’s Office determines the petitioner has <b>not</b> met the required eligibility criteria, it will notify the petitioner and court of the ineligibility status. Upon receiving such notice, the court will take no further action in the matter unless the petitioner files a motion to issue an Order to Show Cause regarding eligibility.				
	Hearing Date	If the District Attorney’s Office determines that the petitioner has met the eligibility criteria, all parties will be mailed notice of the hearing date.				
Providing Notice to the D.A. and Governor	<p>Once a rehabilitation hearing date is set, the District Attorney’s Office will send copies of the Notice of Filing for Certificate of Rehabilitation and Pardon (Form 2) and the Petition for Certificate of Rehabilitation and Pardon (Form 1) to:</p> <ul style="list-style-type: none"> <li>➢ The Governor of California.</li> <li>➢ The District Attorney of each county in which the petitioner was convicted of a felony.</li> </ul> <p>The District Attorney’s Office will send notification to each of these offices at least thirty (30) days before the hearing.</p>					
Pardon	Upon the granting of a Certificate of Rehabilitation, the court will forward the order to the Governor. This order constitutes an application for a pardon.					

**State of California**  
**Office of Governor Edmund G. Brown Jr.**

**How to Apply for a Pardon**

Individuals who have been convicted of a crime in California may apply to the Governor for a pardon. A gubernatorial pardon is an honor that may be granted to people who have demonstrated exemplary behavior following their conviction. A pardon will not be granted unless it has been earned. Obtaining a pardon is a distinct achievement based upon proof of a productive and law-abiding life following conviction. Historically, governors have granted very few pardons.

Applications generally will not be considered unless the applicant has been discharged from probation or parole for at least 10 years without further criminal activity during that period. There is no fee for applying for a pardon.

The Governor of California cannot grant a pardon for a conviction from another jurisdiction, such as another state or a federal proceeding. A person convicted in another state must apply for a pardon in that state. Federal pardon information may be obtained from the Pardon Attorney, U.S. Department of Justice, 500 First Street Northwest, Washington, D.C. 20530.

**The Application Process**

For most people, the first step in applying for a pardon is to obtain a Certificate of Rehabilitation from the Superior Court in the county where the applicant currently lives. People who live outside of California and people who are ineligible for a Certificate of Rehabilitation must use a direct or “traditional pardon” application. The procedure utilized will depend on the circumstances of each applicant.

**1. Certificate of Rehabilitation**

A Certificate of Rehabilitation is a court order declaring that a person convicted of a crime is now rehabilitated. Generally, any person convicted of a felony who still resides in California may apply to the Superior Court in the county where he or she lives for a Certificate of Rehabilitation, provided that the applicant meets the legal requirements of demonstrated rehabilitation. There are special rules that apply to individuals convicted of sex offenses.

An application for a Certificate of Rehabilitation can usually be obtained from the court clerk, probation department, or public defender's office. Once a petition is filed, the court may require an investigation by the district attorney and will schedule a hearing.

If the Court issues a Certificate of Rehabilitation, the certificate is forwarded to the Governor's Office where it automatically becomes an application for a pardon. The Governor's receipt of a Certificate of Rehabilitation does not guarantee that a pardon will be granted.

**2. Traditional Pardon**

The traditional pardon procedure is available to people who are ineligible for a Certificate of Rehabilitation. This procedure is used primarily by people who were convicted of a crime in California and now reside outside the state. The traditional pardon procedure is also available to people who are not eligible for a Certificate of Rehabilitation because they have been convicted of specified sex offenses or misdemeanor offenses.

Applicants for a traditional pardon may obtain the application either by accessing the Governor's website at [www.gov.ca.gov](http://www.gov.ca.gov), or by requesting an application in writing at the following address:

**Governor's Office  
State Capitol  
Attention: Legal Affairs  
Sacramento, CA 95814**

The applicant should first complete the Application for Executive Clemency. Then the applicant must send the Notice of Intent to Apply for Executive Clemency to the District Attorney of each county in which the applicant was convicted so that each District Attorney receives the legally-required notice. The District Attorney acknowledges receipt of the Notice of Intent and returns the notice to the Governor's Office. Finally, the applicant should return the completed application to the Governor's Office at the address listed above.

### **The Review Process**

There is no requirement that the Governor take any action on an application for a pardon. Once a Certificate of Rehabilitation or a completed traditional pardon application is received by the Governor's Office, the Office typically forwards the application to the Board of Parole Hearings (Board). The Board may conduct a background investigation and make a recommendation on whether a pardon should be granted. The Board may contact the District Attorney, investigating law enforcement agency, and other persons with relevant information on the applicant.

If the applicant has been convicted of more than one felony, the California Supreme Court must recommend granting a pardon before the Governor may do so. However, there is no obligation that the Governor seek a recommendation from the Supreme Court, in the first instance.

The length of time needed to complete the pardon process cannot be predicted. **Once a completed application has been received by the Governor's Office, it is not necessary to contact the Governor's Office to check on the status of an application.** If the Governor takes action on an application, the applicant will be notified. Applicants should notify the Governor's Office in writing if their mailing address changes.

### **Effect of a Pardon**

**A pardon does not seal the individual's criminal record or expunge the record of conviction, and the pardon is itself a public record.** When a pardon is granted, the California Department of Justice and the Federal Bureau of Investigation are notified so that they may update their records on the applicant. The pardon is filed with the Secretary of State, reported to the Legislature, and is a public record. Please see the attached "Quick Reference for Restoration of Rights" for a detailed description of the effects of obtaining a Certificate of Rehabilitation and a pardon.

*Revised December 28, 2011*

# CERTIFICATE OF REHABILITATION AND PARDON

## QUICK REFERENCE FOR RESTORATION OF RIGHTS

In California, the granting of a Certificate of Rehabilitation or a Governor’s pardon restores to the applicant some rights of citizenship that were forfeited as a result of a conviction.

CERTIFICATE OF REHABILITATION	GOVERNOR’S PARDON
<p style="text-align: center;"><i><b>DOES:</b></i></p> <ul style="list-style-type: none"> <li>• Relieve <u>some</u> sex offenders, as specified, of further duty to register. (Pen. Code, § 290.5.)</li> <li>• Enhance a felon’s potential for licensing consideration by a State board. (Pen. Code, § 4853.)</li> <li>• Serve as an official document to demonstrate a felon’s rehabilitation, which could enhance employment possibilities.</li> <li>• Serve as an automatic application for a gubernatorial pardon.</li> </ul> <p style="text-align: center; margin-top: 20px;"><i><b>DOES NOT:</b></i></p> <ul style="list-style-type: none"> <li>• Erase the felony conviction or seal the criminal record. (Pen. Code, § 4852.17.)</li> <li>• Prevent the offense from being considered as a prior conviction if the person is later convicted of a new offense.</li> <li>• Allow a felon to answer on employment applications that he/she has no record of conviction.</li> <li>• Give a felon the right to vote, because this right is automatically restored after discharge from parole.</li> <li>• Restore the right to own or possess firearms.</li> </ul>	<p style="text-align: center;"><i><b>DOES:</b></i></p> <ul style="list-style-type: none"> <li>• Allow a felon to serve on a jury trial. (Code Civ. Proc., § 203 subd. (a)(5).)</li> <li>• Allow restoration of firearms rights, upon federal approval, to specified offenders if granted a full and unconditional pardon, <b>unless</b> the conviction was for a felony involving the use of a dangerous weapon. (Pen. Code, § 4854.)</li> <li>• Allow a felon to be considered for appointment as a county probation officer or a state parole agent, but not to any other peace officer positions. (Gov. Code, § 1029, subd. (c).)</li> <li>• Allow specified sex offenders still required to register after obtaining a Certificate of Rehabilitation to be relieved of their duty to register if granted a full and unconditional pardon. (Pen. Code, § 290.5.)</li> </ul> <p style="text-align: center; margin-top: 20px;"><i><b>DOES NOT:</b></i></p> <ul style="list-style-type: none"> <li>• Seal or erase the record of conviction. (Pen. Code, § 4852.17.)</li> <li>• Prevent the pardoned offense from being considered as a prior conviction if the person is later convicted of a new offense.</li> <li>• Allow a pardoned person to answer on employment applications that he/she has no record of conviction.</li> <li>• Restore ability to own a firearm to felons convicted of any offense involving the use of a dangerous weapon. (Pen. Code, § 4854.)</li> <li>• Pardon convictions from another state, or federal convictions.</li> <li>• Necessarily prevent deportation.</li> </ul>

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA  
IN AND FOR THE COUNTY OF \_\_\_\_\_

Applicant's County of Residence

In the Matter of the Application of

\_\_\_\_\_  
Type Applicant's Full Name - First Middle Last and Suffix, if applicable

Date of Birth \_\_\_\_\_  
Month Day, Year

CII Number \_\_\_\_\_

Criminal Case Number(s) \_\_\_\_\_  
List applicable Criminal Case Number(s)

Court use only

**PETITION FOR CERTIFICATE OF REHABILITATION AND PARDON**  
*Pursuant to Penal Code Sections 4852.01 and 4852.06*

The above-named applicant hereby respectfully represents and shows that:

**FELONY HISTORY**

[ All felony convictions must be listed. If you have suffered more than three (3) felony convictions, attach additional sheets following the same format. ]

**Most Recent Felony Conviction**

On or about \_\_\_\_\_, I was convicted of the crime of \_\_\_\_\_,  
Month Day, Year Indicate crime and Penal Code Section

in the county of \_\_\_\_\_, California. My sentence for this offense was:

[ Check appropriate box ]

Commitment to state prison or other state institution at \_\_\_\_\_ ;  
Name of institution or city where located

Probation with suspended sentence to state prison or other state institution;

Probation, after the sentencing proceedings were suspended.

Thereafter, on or about \_\_\_\_\_, I was;  
Date released from custody

[ Check appropriate box ]

Discharged from state prison or other state institution after completing my sentence;

Released on parole, from which I was finally discharged \_\_\_\_\_ ;  
on Discharge date

Released from custody on probation after serving a jail sentence;

As a condition of my probation, I was released from custody after serving time in jail, and successfully completed my probation on \_\_\_\_\_, and obtained relief under Penal Code section 1203.4 on \_\_\_\_\_.  
Date probation ended Date 1203.4 granted by the Court



**Second Most Recent Felony Conviction**

On or about \_\_\_\_\_, I was convicted of the crime of \_\_\_\_\_,  
Month Day, Year Indicate crime and Penal Code Section

in the county of \_\_\_\_\_, California. My sentence for this offense was:

[ Check appropriate box ]

Commitment to state prison or other state institution at \_\_\_\_\_;  
Name of institution or city where located

Probation with suspended sentence to state prison or other state institution;

Probation, after the sentencing proceedings were suspended.

Thereafter, on or about \_\_\_\_\_, I was;  
Date released from custody

[ Check appropriate box ]

Discharged from state prison or other state institution after completing my sentence;

Released on parole, from which I was finally discharged \_\_\_\_\_;  
on Discharge date

Released from custody on probation after serving a jail sentence;

As a condition of my probation, I was released from custody after serving time in jail, and successfully completed my probation on \_\_\_\_\_, and obtained relief under Penal Code section 1203.4 on \_\_\_\_\_.  
Date probation ended Date 1203.4 granted by the Court

**Third Most Recent Felony Conviction**

On or about \_\_\_\_\_, I was convicted of the crime of \_\_\_\_\_,  
Month Day, Year Indicate crime and Penal Code Section

in the county of \_\_\_\_\_, California. My sentence for this offense was:

[ Check appropriate box ]

Commitment to state prison or other state institution at \_\_\_\_\_;  
Name of institution or city where located

Probation with suspended sentence to state prison or other state institution;

Probation, after the sentencing proceedings were suspended.

Thereafter, on or about \_\_\_\_\_, I was;  
Date released from custody

[ Check appropriate box ]

Discharged from state prison or other state institution after completing my sentence;

Released on parole, from which I was finally discharged \_\_\_\_\_;  
on Discharge date

Released from custody on probation after serving a jail sentence;

As a condition of my probation, I was released from custody after serving time in jail, and successfully completed my probation on \_\_\_\_\_, and obtained relief under Penal Code section 1203.4 on \_\_\_\_\_.  
Date probation ended Date 1203.4 granted by the Court

RESIDENCY HISTORY

I am now a resident of the State of California, and I have continuously resided in the State of California from \_\_\_\_\_, to the present date.  
Month Day, Year

APPLICANT'S DECLARATION

*During the period of my rehabilitation, I have lived an honest and upright life, conducted myself with sobriety and industry, and exhibited good moral character. I have conformed to and obeyed all the laws of the land.*

**WHEREFORE,** Your petitioner prays that the Court make its order and decree declaring that the petitioner has been rehabilitated; and for a Certificate of Rehabilitation recommending that the Governor of the State of California grant petitioner a full pardon; and that for such purpose, a time be appointed for the hearing of the foregoing petition; and that other and necessary proper orders may be made in the premises.

\_\_\_\_\_  
Applicant's Signature Month Day, Year

\_\_\_\_\_  
Applicant's Street Address

\_\_\_\_\_  
Applicant's City, State ZIP Code

## FORM 1 INSTRUCTIONS

1. After completing the ***Petition for Certificate of Rehabilitation and Pardon***, file it with the County Clerk's office in the county in which you reside. In every case, you must have resided continuously for **five** (5) years in this state prior to filing the petition.
2. The period of rehabilitation begins to run upon your discharge from custody or upon release on parole or probation, whichever is sooner. The period of rehabilitation shall constitute **five** (5) years residence in this state, **plus** a period of time determined by the following rules:
  - To the **five** (5) years there shall be added **four** (4) years in the case of any person convicted of violating Section 187, 209, 219, 4500, or 12310 of the penal code, or subdivision (a) of Section 1672 of the Military and Veterans Code, or any other offense which carries a life sentence.
  - To the **five** (5) years there shall be added **two** (2) years in the case of any person convicted of committing any offense not listed above and which does not carry a life sentence. (The majority of applicants require a **seven-year** rehabilitation period).
  - To the **five** (5) years the trial court hearing the application for the Certificate of Rehabilitation may add additional years when a person has served consecutive sentences. The amount of additional time will not exceed the sum of the maximum penalties for all the crimes.
  - Any person discharged after completion of his/her term or released on parole before May 13, 1943, is not subject to the periods of rehabilitation set forth in these rules.
3. If you were released on felony probation and successfully completed probation, you must obtain relief under Penal Code Section 1203.4 before applying for a Certificate of Rehabilitation.
4. You are entitled to be represented by an attorney of your own selection, or by the public defender. You are entitled to receive assistance from all rehabilitative agencies including officers from adult probation and parole, and for persons under the age of 30 years, from the Youth Authority.
5. It is unlawful for anyone, other than an attorney, to accept any fee, money or anything of value for their services in representing you in this proceeding.
6. You are not required to pay filing fees of any kind in connection with this proceeding.
7. When the Court sets a hearing date on your Petition, you are required to give notice of that date at least thirty (30) days before the hearing. You must formally notify the District Attorney for each county in which you have been convicted, and the Governor's Office.
8. A Certificate of Rehabilitation is not an automatic pardon; it is only an automatic application for a pardon.

**IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
**IN AND FOR THE COUNTY OF \_\_\_\_\_**

Applicant's County of Residence

In the Matter of the Application of

\_\_\_\_\_  
Type Applicant's Full Name - First Middle Last and Suffix, if applicable

Date of Birth \_\_\_\_\_  
Month Day, Year

CII Number \_\_\_\_\_

Criminal Case Number(s) \_\_\_\_\_  
List applicable Criminal Case Number(s)

<i>Court use only</i>

**NOTICE OF FILING OF PETITION FOR CERTIFICATE OF REHABILITATION AND PARDON**  
Pursuant to Penal Code Sections 4852.01 and 4852.06

To the Governor of the State of California:

District Attorney, County of \_\_\_\_\_ ;  
County of Residence

District Attorney, County of \_\_\_\_\_ ;  
Most recent felony in county of conviction, if different from **County of Residence**

District Attorney, County of \_\_\_\_\_ ;  
2<sup>nd</sup> most recent felony in county of conviction, if applicable

District Attorney, County of \_\_\_\_\_ ;  
3<sup>rd</sup> most recent felony in county of conviction, if applicable

You and Each of You Will Please Take Notice That On the \_\_\_\_\_ day \_\_\_\_\_ ;  
of \_\_\_\_\_  
Date you filed your **Petition for Certificate of Rehabilitation and Pardon**

the undersigned has filed a petition in the above-mentioned court(s) for a Certificate of Rehabilitation and

Pardon in accordance with the provision of Chapter 3.5, Title 6, Part 3 of the Penal Code of the State of

California, and that said petition has, by said court, been set for a hearing on \_\_\_\_\_ day of the \_\_\_\_\_  
Day of hearing

\_\_\_\_\_ to commence at \_\_\_\_\_  a.m.  p.m., of said day, or as soon  
Month, Year Time of hearing

as the matter can be heard, in its courtroom, department \_\_\_\_\_ at the courthouse  
Department

in the city \_\_\_\_\_, county \_\_\_\_\_ state of California.  
of \_\_\_\_\_ of \_\_\_\_\_  
City where hearing will be held County where hearing will be held

\_\_\_\_\_  
Applicant's Signature Month Day, Year

\_\_\_\_\_  
Applicant's Street Address

\_\_\_\_\_  
Applicant's City, State ZIP Code

**AFFIDAVIT OF SERVICE BY MAIL**

**STATE OF CALIFORNIA**

City of \_\_\_\_\_, County of \_\_\_\_\_

I, \_\_\_\_\_ being first duly sworn, deposes, and says:  
Full Name - First Middle Last and Suffix, if applicable

I am a citizen of the United States, am over the age of 18 years, and am not a party to the above-entitled

proceeding. I am a resident of the County \_\_\_\_\_, State of  
of \_\_\_\_\_ California.  
County of Residence

My  residence  business address is \_\_\_\_\_  
Street Address

\_\_\_\_\_  
City, State ZIP Code

On the \_\_\_\_\_ day of \_\_\_\_\_, I served the attached Notice to each person listed below  
Day of the Month Month, Year

\_\_\_\_\_  
Full Name - First Middle Last and Suffix, if applicable Street Address County

\_\_\_\_\_  
Full Name - First Middle Last and Suffix, if applicable Street Address County

\_\_\_\_\_  
Full Name - First Middle Last and Suffix, if applicable Street Address County

\_\_\_\_\_  
Full Name - First Middle Last and Suffix, if applicable Street Address County

by placing a copy of this Notice in a sealed envelope and mailing it first class, postage pre-paid to each person as listed above. There is a delivery service by United States mail at each of the places so addressed, or there is a regular communication by mail between the place of mailing and each of the places so addressed.

*Subscribed and sworn to before me this* \_\_\_\_\_ *day of* \_\_\_\_\_ .  
Day of the Month Month, Year

\_\_\_\_\_  
Full Name of Notary Public - TYPED or PRINTED Notary Public - SIGNATURE

*In and for the City of* \_\_\_\_\_, *County of* \_\_\_\_\_, *California.*

**NOTICE OF SERVICE IN PERSON**

Receipt of copy of this Notice is hereby admitted this \_\_\_\_\_ day of \_\_\_\_\_ .  
Day of the month Month, Year

**Governor's Office  
State Capitol  
Legal Affairs Division**

_____ Full Name of Governor's staff - TYPED or PRINTED	_____ Governor's staff - SIGNATURE
_____ Governor's staff - TITLE	_____ Month Day, Year

Receipt of copy of this Notice is hereby admitted this \_\_\_\_\_ day of \_\_\_\_\_ .  
Day of the month Month, Year

_____ Full Name of District Attorney staff - TYPED or PRINTED	_____ District Attorney staff - SIGNATURE
_____ County District Attorney	_____ Month Day, Year

Receipt of copy of this Notice is hereby admitted this \_\_\_\_\_ day of \_\_\_\_\_ .  
Day of the month Month, Year

_____ Full Name of District Attorney staff - TYPED or PRINTED	_____ District Attorney staff - SIGNATURE
_____ County District Attorney	_____ Month Day, Year

Receipt of copy of this Notice is hereby admitted this \_\_\_\_\_ day of \_\_\_\_\_ .  
Day of the month Month, Year

_____ Full Name of District Attorney staff - TYPED or PRINTED	_____ District Attorney staff - SIGNATURE
_____ County District Attorney	_____ Month Day, Year

Receipt of copy of this Notice is hereby admitted this \_\_\_\_\_ day of \_\_\_\_\_ .  
Day of the month Month, Year

_____ Full Name of District Attorney staff - TYPED or PRINTED	_____ District Attorney staff - SIGNATURE
_____ County District Attorney	_____ Month Day, Year

## FORM 2 INSTRUCTIONS

1. After completing this **Notice of Filing for Certificate of Rehabilitation and Pardon**, make enough copies to distribute one (1) copy to:
  - the Governor of California;
  - the District Attorney in your county of residence where you filed your **Petition for Certificate of Rehabilitation and Pardon**, and;
  - each District Attorney of the county in which you were convicted of a felony.
  
2. This **Notice of Filing for Certificate of Rehabilitation and Pardon** must be served to all of the aforementioned individuals **at least thirty (30) days prior** to the date set for your hearing. You may do so by utilizing one or both of the following forms, in any combination necessary, as long as all of the aforementioned individuals have been served.
  - **Affidavit of Service by Mail (Form 2A)** - If you intend to have a Notary Public mail a copy of the **Notice of Filing for Certificate of Rehabilitation and Pardon** to each of the aforementioned individuals, you may do so by having the Notary Public complete and sign the **Affidavit of Service by Mail**. Mailing procedures are outlined in the Affidavit.
  
  - **Notice of Service in Person (Form 2B)** - If you intend to hand-deliver a copy to each of the aforementioned individuals, you may do so by utilizing this form and having each individual sign in the appropriate space indicating that a copy of the **Notice of Filing for Certificate of Rehabilitation and Pardon** was received.
  
3. After you have served all the aforementioned individuals, personally or by mail, file this completed **Notice of Filing for Certificate of Rehabilitation and Pardon** and the **Affidavit of Service by Mail** or **Notice of Service in Person**, or both, as the case may be, with the County Clerk's office in the county in which you reside.