

**SUPERIOR COURT OF CALIFORNIA  
COUNTY OF TULARE**



**CERTIFICATE OF REHABILITATION AND PARDON**

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## CERTIFICATE OF REHABILITATION AND PARDON QUICK REFERENCE GUIDE

CERTIFICATE OF REHABILITATION	GOVERNOR'S PARDON
<p style="text-align: center;"><b>DOES:</b></p> <ul style="list-style-type: none"> <li>• Relieve some sex offenders, as specified, of further duty to register. (Penal Code, 290.5)</li> <li>• Enhance a felon's potential for licensing consideration by a State Board. (Penal 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;"><b>DOES NOT:</b></p> <ul style="list-style-type: none"> <li>• Erase the felony conviction or seal the criminal record. (Penal 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>• Allows a felon to answer on employment applications that he/she has not record of conviction.</li> <li>• Gives 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;"><b>DOES:</b></p> <ul style="list-style-type: none"> <li>• Allow a felon to serve on a jury trial. (Civil Code of Proc. 203 (a)(5))</li> <li>• Allow restoration of firearms rights, upon federal approval, to specified offenders who have obtained a certificate of rehabilitation if granted a full and unconditional pardon, unless the conviction was for a felony involving the use of a dangerous weapon. (Penal Code 4852.17)</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 ( 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. (Penal Code 290.5)</li> </ul> <p style="text-align: center;"><b>DOES NOT:</b></p> <ul style="list-style-type: none"> <li>• Seal or erase the record of conviction. (Penal 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 offense involving the use of a dangerous weapon. (Penal Code 4854)</li> <li>• Pardon convictions from another state, or federal convictions.</li> <li>• Prevent deportation.</li> </ul>

A Certificate of Rehabilitation is a court order declaring that a person convicted of a felony is now rehabilitated. If a petition for Certificate of Rehabilitation is granted, it is forwarded to the Governor by the court and constitutes the application for a pardon. Receipt by the Governor of a Certificate of Rehabilitation does not guarantee that a pardon will be granted.

***Who may apply?***

You are eligible to apply for a Certificate of Rehabilitation if you:

- Were convicted of a felony and served your sentence in a California prison; and
  - Were discharged or released on parole prior to May 13, 1943; and
  - Have not been incarcerated in a state penal institution since release; and
  - Have resided for three years in California immediately prior to filing the petition.

OR

- Were convicted of a felony, or a misdemeanor sex offense specified in Penal Code section 290 that was dismissed under Penal Code section 1203.4 and
  - Have been discharged from custody, parole, or probation; and
  - Have not been incarcerated in any penal institution, jail, or agency since release; and
  - Are not on probation for the commission of any other felony; and
  - Have resided for five years in California immediately prior to filing the petition.

OR

- Were convicted of a felony after May 13, 1943; and
  - Were sentenced to state prison; and
  - Were discharged from custody or released on parole; and
  - Have resided for five years in California immediately prior to filing the petition.

Persons who are not eligible to apply for a Certificate of Rehabilitation include:

- Those who do not meet the above requirements; or
- Those who were convicted of misdemeanors, except those convicted of a misdemeanor sex offense as discussed above; or
- Those who were convicted of sex offenses under Penal Code section 286(c), 288, 288a(c), 288.5, or 289(j); or
- Those who are serving a mandatory life parole; or
- Those committed to prison under a death sentence; or
- Those persons in the military service.

***When to apply?***

Persons eligible for a Certificate of Rehabilitation may file a petition with the Superior Court in their county of residence once they have completed the period of rehabilitation. The period of rehabilitation begins to run upon discharge from incarceration or upon release on probation or parole. The period of rehabilitation requires five years residence in California, PLUS:

- Four years for persons convicted of Penal Code sections 187, 209, 219, 4500, or 12310, or military Veterans Code section 1672(a), or any other offense that carries a life sentence; or
- Five years for any person convicted of any offense for which sex offender registration is required under Penal Code section 290, except for convictions for violations of subdivision (b), (c), or (d) of section 311.2 or of section 311.3, 311.10, or 314 (these convictions require an additional two years); or
- Two years for any person convicted of any offense not listed above and that does not carry a life sentence; or
- Any additional years ordered by the court if the person served consecutive sentences.

**PROCEDURE**

You must be a resident of Tulare County to file a certificate of rehabilitation in Tulare County. However, the offense may have occurred in any county in California.

Complete the Notice of Filing for Certificate of Rehabilitation and Pardon. Leave the date, time, and department blank. Make five copies of the Notice of Filing for Certificate of Rehabilitation and Pardon.

Complete the Petition for Certificate of Rehabilitation and Pardon. Make one copy of the Petition for Certificate of Rehabilitation and Pardon.

File both forms with the Court. The Clerk will not charge you any money for filing the petition (PC§4852.09).

The Clerk will set the date, time, and department for the hearing.

The Clerk will file stamp your copies of the Petition for Certificate of Rehabilitation and Pardon and the Notice of Filing for Certificate of Rehabilitation and Pardon.

You will need to serve the parties below at least 30 days prior to the hearing (35 days if sent by mail), serve the copies of the Notice of Filing for Certificate of Rehabilitation and Pardon on the following:

Gavin Newson  
Governor  
State Capitol Building  
Sacramento CA 95814

Tim Ward  
District Attorney  
221 S Mooney Blvd  
2<sup>nd</sup> Floor, Room 204  
Visalia CA 93291

The District Attorney  
in the CA County in  
which you were  
convicted if different  
than Tulare County

File with the Court the proof of service for the Notice of Filing for Certificate of Rehabilitation and Pardon. The proof of service that you file should be stapled to the Notice of Filing for Certificate of Rehabilitation and Pardon.

You will be contacted by the District Attorney's Office. Answer all their questions.

Attend the hearing set by the Clerk.

*The petitioner may be represented by counsel of his or her own choosing. If the petitioner does not have counsel he or she shall be represented by the public defenders office (PC485.08).*

If the Court finds that the petitioner has demonstrated rehabilitation, the Court may declare that the petitioner is rehabilitated. A certified copy of the Certificate of Rehabilitation issued by the Court is transmitted to the Governor and becomes the application for a pardon. Upon receipt of the application, the Governor may request that the Board of Prison Terms conduct its own investigation and prepare a report. If the petitioner has been convicted of more than one felony in separate proceedings, the California Supreme Court must approve granting a pardon before the Governor may do so.

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.

**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

Certificate Number \_\_\_\_\_

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

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

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

Court use only

**CERTIFICATE OF REHABILITATION**

Pursuant to Penal Code Section 4852.13

The petition of \_\_\_\_\_, presently residing

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

at \_\_\_\_\_, heretofore filed, praying for

Type Applicant's Street Address, City, State, and ZIP Code

a Certificate of Rehabilitation pursuant to the provisions of Chapter 3.5, Title 6 of Part 3 of the Penal Code of the State of California, came on regularly for hearing on this \_\_\_\_\_ day

Day of the Month

of \_\_\_\_\_ and proof having been made to the

Month, Year

satisfaction of the Court that notice of the time of hearing has been regularly given as required by law; and from satisfactory proof taken at said hearing the Court finds that all allegations of said petition are true, and that the required period of rehabilitation has elapsed since petitioner's date of discharge from custody due to completion of the term to which the petitioner was sentenced, or upon the release on parole or probation on \_\_\_\_\_, that, where appropriate, petitioner has

Month Day, Year

obtained relief pursuant to Penal Code Section 1203.4, and that petitioner has demonstrated by the course of conduct his/her rehabilitation and fitness to exercise all the civil and political rights of citizenship (except as provided in Penal Code Section 4852.15); and that petitioner has been \_\_\_\_\_

Total Number of Felony Convictions

time(s) convicted of a felony;  
*WHEREFORE, It Is Ordered, Adjudged, and Decreed, And this court does hereby order, adjudge, and decree the petitioner has been rehabilitated and is fit to exercise all the civil and political rights of citizenship (except as provided in Penal Code Section 4852.15), and by virtue thereof, this court recommends that the Governor of the State of California grant a full pardon to said petitioner.*

Done in open court this \_\_\_\_\_ day of \_\_\_\_\_

Day of the Month

Month, Year

\_\_\_\_\_  
Judge of said Superior Court - TYPED or PRINTED

\_\_\_\_\_  
Judge of said Superior Court - SIGNATURE