

**SUPERIOR COURT OF CALIFORNIA  
COUNTY OF LOS ANGELES**

**CERTIFICATE OF REHABILITATION  
& PARDON INSTRUCTION PACKET**



**FORMS INCLUDED IN THIS PACKET**

General Information – Certificate of Rehabilitation

General Information – Pardon

Instruction Sheet – Certificate of Rehabilitation & Pardon

"How to Apply for a Pardon" State of CA, Office of the Governor Information Sheet from [www.cdcr.ca.gov](http://www.cdcr.ca.gov)

Petition for Certificate of Rehabilitation & Pardon (Form 1)

Notice of Filing of Petition for Certificate of Rehabilitation & Pardon (Form 2)

Notice to Defendant Re: Certificate of Rehabilitation and Pardon

District Attorney Bureau of Investigations Information and Instructions Sheet

Criminal Justice Center, Department 100 Information Sheet



## SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

CLARA SHORTRIDGE FOLTZ CRIMINAL JUSTICE CENTER  
210 W. TEMPLE STREET  
LOS ANGELES, CA 90012

### 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.

<b>Purpose</b>	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 one 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>
<b>Eligibility Criteria</b>	<p>A person is eligible to apply for a Certificate of Rehabilitation if one:</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 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 one 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>	
<b>Ineligibility Criteria</b>	<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>	
<b>How to Apply</b>	<p>A Certificate of Rehabilitation and Pardon Instruction Packet may be obtained from this court and may be found at <a href="http://www.lacourt.org">www.lacourt.org</a>.</p>	



**SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES**

CLARA SHORTRIDGE FOLTZ CRIMINAL JUSTICE CENTER  
 210 W. TEMPLE STREET  
 LOS ANGELES, CA 90012

**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.

<b>Purpose</b>	Does	<ul style="list-style-type: none"> <li>➤ Allow an ex-felon to serve on a jury. (Code Civ. Proc. § 203.5(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. (Gov. 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 one 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>

<b>Traditional Pardon</b>	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).
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<b>How to Apply</b>	A Certificate of Rehabilitation and Pardon Instruction Packet may be obtained from this court and may be found at <a href="http://www.lacourt.org">www.lacourt.org</a> .
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**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 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. Direct Pardon**

The direct 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 direct 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 direct pardon may obtain the application either by accessing the Governor's website at <https://www.gov.ca.gov/pardons-and-commutations/>, 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 direct 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. If a pardon is granted, the Certificate of Rehabilitation or the application for a direct pardon will be reported to the Legislature in an annual report and will become a public record. However, specific personal information will be redacted (hidden) before the Certificate of Rehabilitation or the application is made available to the public.

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.

# 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;"><b><i>DOES:</i></b></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;"><b><i>DOES NOT:</i></b></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;"><b><i>DOES:</i></b></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 who have obtained a certificate of rehabilitation if granted a full and unconditional pardon, <i>unless</i> the conviction was for a felony involving the use of a dangerous weapon. (Pen. 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, 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;"><b><i>DOES NOT:</i></b></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 all that apply ]

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

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

Felony conviction was reduced to a misdemeanor (Provide court information): \_\_\_\_\_ ;

**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 all that apply ]

- 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

- 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

Felony conviction was reduced to a misdemeanor (Provide court information): \_\_\_\_\_ ;

**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 all that apply ]

- 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

- 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

Felony conviction was reduced to a misdemeanor (Provide court information): \_\_\_\_\_ ;

FORM 1 (Revised 1/02/2019)

This form was prepared by the Board of Parole Hearings pursuant to Penal Code Section 4852.18.

**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. (Pen. Code, § 4852.05.)*

**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

\_\_\_\_\_  
Applicant's Drivers License Number

\_\_\_\_\_  
Applicant's Email Address

\_\_\_\_\_  
Applicant's Home Phone Number

\_\_\_\_\_  
Applicant's Work Phone Number

\_\_\_\_\_  
Applicant's Cell Phone Number

## 1. Obtain Your Criminal Records

To complete this form, you will need information regarding each of your felony convictions, including the date of each conviction, the specific charge or charges for which you were convicted, the county of the conviction, and the sentence that was given. In addition, you will need to know the date that you were released from prison or jail and/or discharged from parole or probation.

This information may be obtained through the court in which the conviction(s) took place, or you may obtain a copy of your state criminal record through the California Department of Justice. You may only obtain your own records from the Department of Justice. Information regarding this request may be obtained through the Office of the Attorney General website at <https://oag.ca.gov/fingerprints/record-review>. Regardless of the number of convictions, you will be filing only a single petition.

## 2. Confirm Your Eligibility

You are *ineligible* for a certificate of rehabilitation if any of the following are true:

- You were convicted only of misdemeanors (other than sex offenses defined in Penal Code section 290, which were subsequently expunged) (Pen. Code, §4852.01, (b).)
- You were convicted of specific sex crimes involving minor children as enumerated under Penal Code sections 286, subdivision (c), 288, 288a, subdivision (c), 288.5, and 289, subdivision (j). (Pen. Code, § 4852.01, (c).)
- You are serving mandatory life parole. (Pen. Code, § 4852.01, (c).)
- You were sent to state prison under a death sentence. (Pen. Code, § 4852.01, (c).)
- You are currently in military service. (Pen. Code, § 4852.01, (c).)

### *Minimum Period of Rehabilitation*

In order to be granted a certificate of rehabilitation you must satisfy a minimum period of rehabilitation. In every case, you must have resided continuously for **five** years in this state prior to filing the petition. (Pen. Code, § 4852.06) The period of rehabilitation begins to run upon your discharge from custody or upon release on parole or probation, whichever is sooner. (Pen. Code, § 4852.03, (a).) The period of rehabilitation shall constitute **five** years residence in this state, **plus** a period of time determined by the following rules:

- An additional **four** years in the case of any person convicted of violating Section 187 (murder), 209 (aggravated kidnapping), 219 (derailing or wrecking a train), 4500 (assault with force likely to cause great bodily injury), or 12310 (use of explosives or destructive devices causing death, mayhem, or great bodily injury) of the Penal Code, or subdivision (a) of Section 1672 of the Military and Veterans Code (acting or failing to act so as to cause another person's death), or any other offense which carries a life sentence. (Pen. Code, § 4852.03, (a)(1).)
- An additional **five** years in the case of any person convicted of any offense or attempted offense for which sex offender registration is required pursuant to Penal Code 290, except for convictions for violations of subdivision (b), (c), or (d) of Section 311.2 (possession or distribution of media depicting a minor engaging in sexual conduct), or of Section 311.3 (sexual exploitation of a child), 311.10 (advertising obscene matter depicting a minor engaging in sexual conduct), or 314 (indecent exposure). For those convictions, two years shall be added to the five years imposed by this section. (Pen. Code, § 4852.03, (a)(2).)

- An additional **two** years in the case of any person convicted of committing any offense not listed above and which does not carry a life sentence. (Pen. Code, §4852.03, (a)(3).)
- Additionally, the trial court hearing your application for a certificate of rehabilitation may add additional years if you served consecutive sentences. The amount of additional time will not exceed the sum of the maximum penalties for all your crimes. (Pen. Code, § 4852.03, (a)(4).)

### *Felony Probation*

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.

### **3. File Your Documents**

- After completing the ***Petition for Certificate of Rehabilitation and Pardon***, you must file it with the superior court in the county in which you reside. (Pen. Code, § 4852.06.)
- You are entitled to be represented by an attorney of your own selection, or by the public defender. (Pen. Code, § 4852.08.)
- 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 Division of Juvenile Facilities. (Pen. Code, § 4852.04)
- 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. (Pen. Code, § 4852.2.)
- You are not required to pay filing fees of any kind in connection with this proceeding. (Pen. Code, § 4852.09.)

### **4. Notice of Filing**

When the court sets a hearing date on your petition, you are required to give notice of that date at least 30 days before the hearing. You must formally notify the District Attorney for each county in which you have been convicted, the county in which the petition is filed, and the Governor's Office. (Pen. Code, § 4852.07.) For more information on the notice requirements, please reference the ***Notice of Filing of Petition for Certificate of Rehabilitation and Pardon***.

### **5. After a Certificate of Rehabilitation is Issued**

A certificate of rehabilitation is not an automatic pardon; it is only an automatic application for a pardon. In the event that a certificate of rehabilitation is issued by a court, the certificate of rehabilitation shall be reviewed by the Board of Parole Hearings within one year. Thereafter, the Board shall issue a recommendation as to whether the Governor should pardon that individual. (Pen. Code, § 4852.16, (b).)

**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 the \_\_\_\_\_ day of \_\_\_\_\_

\_\_\_\_\_ to commence at \_\_\_\_\_  a.m.  p.m., of said day, or as soon as the matter can be heard, in its courtroom, department \_\_\_\_\_ at the courthouse

in the city of \_\_\_\_\_, county of \_\_\_\_\_ state of California.

\_\_\_\_\_ , county of \_\_\_\_\_ state of California.

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

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

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



**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**, Penal Code section 4852.07 requires that you 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;
  - the District Attorney of each 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 these individuals **at least thirty days prior** to the date set for your hearing. (Pen. Code, § 4852.07.) You may do so by using one or both of the following forms:
  - **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**, 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, you may do so by using 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 each individual, 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, with the Superior Court in the county in which you reside.



**NOTICE TO DEFENDANT**  
**RE: CERTIFICATE OF REHABILITATION AND PARDON**

Any person convicted of a felony the accusatory pleading of which has been dismissed pursuant to Penal Code Section 1203.4 may file a petition for Certificate of Rehabilitation and Pardon provided the petitioner has not been incarcerated in any prison, jail, detention facility or other penal institution or agency since the dismissal of the accusatory pleading and is not on probation for the commission of any other felony, and petitioner presents satisfactory evidence of three years residence in this state prior to the filing of the petition.

After the expiration of the minimum period of rehabilitation applicable after the termination of probation, a person may file in the superior court of the county in which he then resides a petition for ascertainment and declaration of the fact of his rehabilitation and of matters incident thereto, and for a Certificate of Rehabilitation.

The petitioner shall give notice of the filing of the petition to the district attorney of the county which the petition is filed, to the district attorney of each county in which the petitioner was convicted of a felony or of a crime the accusatory pleading of which was dismissed pursuant to Penal Code Section 1203.4, and to the office of the Governor, together with notice of the time of the hearing of the petition, at least 30 days prior to the date set for such hearing.

During the proceedings upon the petition, the petitioner may be represented by counsel of his own selection; if he has no such counsel he shall be represented by the public defender.

No filing fee nor court fees of any kind are required.

Forms for petitioning for a Certificate of Rehabilitation and Pardon are available from the Clerk's Office or via the Los Angeles Superior Court's website at [www.lacourt.org](http://www.lacourt.org).

Information regarding eligibility and additional assistance may be obtained from:

Office of the Public Defender  
Clara Shortridge Foltz Criminal Justice  
Center  
210 W. Temple Street  
Los Angeles, CA 90012  
Tel. (213) 974-2811

# **DISTRICT ATTORNEY BUREAU OF INVESTIGATIONS**

## **INFORMATION AND INSTRUCTIONS FOR PETITIONER FOR CERTIFICATE OF REHABILITATION AND PARDON**

Section 4852.12 of the California Penal Code states, "...the court...may request from the District Attorney an investigation of the residence of the petitioner, the criminal record of the petitioner as shown by the records of the Department of Justice, any representation made to the court by the applicant,...and any other information the court may deem necessary in making its determination..."

As outlined above, the District Attorney will conduct an investigation and submit a report to the judge in Department 100 of the Los Angeles Superior Court. Copies of this report are distributed to the Public Defender, County Clerk, and the Governor's Legal Affairs Secretary. The Public Defender's Office will notify you when you are scheduled for appearance in Department 100 and the Deputy Public Defender will represent you before the judge. If the judge feels you have demonstrated by your record that you are a responsible citizen, he will grant you a Certificate of Rehabilitation which will be forwarded to the Governor's Legal Affairs Secretary for consideration by the Pardon Board. The investigation for the pardon will be conducted by the Community Release Board, who will send you another, more detailed questionnaire.

It is not the desire of this office to expose your past behavior. If, during the course of our investigation, anyone asks why we are inquiring about you, we answer that we are conducting a confidential investigation at your request. We do not talk to neighbors but may verify your employment with your immediate supervisor. Your references will receive a form letter.

If you wish to inquire about your voting status, you should contact the Registration Division, Registrar of Voters, 12400 Imperial Highway, Norwalk, California, 90650, telephone number (800) 815-2666.

A pardon will not:

1. Allow you to carry a firearm if you were convicted of a felony involving the use of a dangerous weapon (Penal Code § 4852.17);
2. Allow you to fill out job applications omitting your felony record;
3. Assure absolutely a better job. This depends on your employer; and
4. Expunge your record. Your criminal record will still be available to law enforcement agencies.

**DISTRICT ATTORNEY  
BUREAU OF INVESTIGATIONS**

**REHABILITATION AND PARDON INFORMATION SHEET  
FROM THE PUBLIC DEFENDER'S OFFICE**

In order that the investigation requested by the petition seeking a Rehabilitation and Pardon be completed in a timely fashion your assistance in providing the following information is requested.

1. Case number or numbers petitioner is seeking rehabilitation for:

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2. What was the petitioner charged with?

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3. Conviction date for each case applying for:

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4. Date petitioner placed on parole or probation for each case:

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5. C.I.I. number for petitioner: \_\_\_\_\_

6. What is petitioner's 1203.4 P.C. date? \_\_\_\_\_

**PLEASE NOTIFY THIS OFFICE BY MAIL OF ANY ADDRESS CHANGES:**

LOS ANGELES COUNTY DISTRICT ATTORNEY  
ATTN: BUREAU OF INVESTIGATIONS  
211 W. TEMPLE STREET, STE. 300  
LOS ANGELES, CA 90012

**NOTE:** The attached Rehabilitation and Pardon form must be completely filled out in detail when submitted or the questionnaire will be returned to you for completion. This will delay your court date.

I acknowledge receipt of this rehabilitation and pardon information package.

X \_\_\_\_\_  
Petitioner's Signature

# Department 100

Legal Name \_\_\_\_\_  
Last First Middle

What other names have you used \_\_\_\_\_  
\_\_\_\_\_

If married, maiden name \_\_\_\_\_

Residence Address \_\_\_\_\_  
Number Street  
City County Zip Code

How long have you lived at this address \_\_\_\_\_

Nearest large intersection \_\_\_\_\_

Res. phone \_\_\_\_\_ Bus. phone \_\_\_\_\_

U.S. Citizen Yes \_\_\_\_\_ No \_\_\_\_\_

Are you a legal resident of the United States: Yes \_\_\_\_\_ No \_\_\_\_\_

If alien resident of the United States, what is your Alien Registration Number  
\_\_\_\_\_

Birthplace \_\_\_\_\_ Birth date \_\_\_\_\_ Sex \_\_\_\_\_  
City State

Height \_\_\_\_\_ Weight \_\_\_\_\_ Hair \_\_\_\_\_ Eyes \_\_\_\_\_ Decent \_\_\_\_\_ Race \_\_\_\_\_

Driver's License Number \_\_\_\_\_

Social Security Number \_\_\_\_\_

Present Marital Status  Single  Married  Divorced  Widow(er)

Date Marriage Performed \_\_\_\_\_  
Month / Date / Year City State

Living with Spouse: Yes \_\_\_\_\_ No \_\_\_\_\_

Spouse's Name \_\_\_\_\_ Birthdate \_\_\_\_\_  
Month / Date / Year

Height \_\_\_\_\_ Weight \_\_\_\_\_ Hair \_\_\_\_\_ Eyes \_\_\_\_\_ Decent \_\_\_\_\_ Race \_\_\_\_\_

Circle Last Grade Completed

**Grammar School** 5 6 7 8 **High School** 9 10 11 12 **College** 1 2 3 4 5 6

Employment: List employments since your release.

(Last or Present)

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Date (From – To)	Name of Employer		Phone	
Number	Street	City	State	Zip Code
Department	Job Title	Annual Salary	Immediate Supervisor	

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Reason for Leaving

(Previous)

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Date (From – To)	Name of Employer		Phone	
Number	Street	City	State	Zip Code
Department	Job Title	Annual Salary	Immediate Supervisor	

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Reason for Leaving

(Previous)

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Date (From – To)	Name of Employer		Phone	
Number	Street	City	State	Zip Code
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Reason for Leaving