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7 THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

8 IN AND FOR THE COUNTY OF

9 IN THE MATTER OF THE APPLICATION)
OF:)

10

11

) CERTIFICATE OF
) REHABILITATION

12

)
)
) FOR A CERTIFICATE OF REHABILITATION)
) AND PARDON)

13

14

15 The Petition of _____, heretofore filed, praying for
16 a Certificate of Rehabilitation pursuant to the provisions of
17 Chapter 3.5, Title 6 or Part 3 of the Penal Code of the State of
18 California, came on regularly for hearing on this ____ day of
19 _____, 2000, and proof having been made to the
20 satisfaction of the Court that notice of the time of hearing has
21 been regularly given as required by the law; and from
22 satisfactory proof taken at said hearing the Court finds that all
23 allegations of said petition are true, and that the required
24 period of rehabilitation has elapsed since petitioner's date of
25 discharge from custody due to his completion of the term to which
26 he was sentenced, or upon his release on parole or probation on
27 _____, that, where appropriate, petitioner has obtained
28 relief pursuant to Penal Code Section 1203.4, and that petitioner

1 has demonstrated by his course of conduct his rehabilitation and
2 fitness to exercise all the civil and political rights of
3 citizenship (except as provided in Penal Code Section 4852.15);
4 and that petitioner has been once convicted of a misdemeanor;

5 WHEREFORE, it is Ordered, Adjudged and Decreed, And this
6 Court does hereby order, adjudge and decree that petitioner has
7 been rehabilitated and is fit to exercise all the civil and
8 political rights of citizenship (except as provided in Penal Code
9 Section 4852.15), relieved of the requirement to register
10 pursuant to Penal Code section 290, and by virtue thereof this
11 court recommends that the Governor of the State of California
12 grant a full pardon to said petitioner.

13 Done in open court this ____ day of _____, 2000.

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JUDGE OF THE SUPERIOR COURT

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5 Attorneys for Petitioner

7 THE _____ COURT OF THE STATE OF CALIFORNIA

8 IN AND FOR THE COUNTY OF _____

9	IN THE MATTER OF THE APPLICATION)	Case No.
10	OF:)	
11)	POINTS AND AUTHORITIES
12	FOR A CERTIFICATE OF REHABILITATION))	IN SUPPORT OF PETITION
13	AND PARDON)	FOR CERTIFICATE OF
14)	REHABILITATION
)	
)	Date:
)	Time:
)	Dept:

15 THIS IS A ROUGH FORM, DELETE SECTIONS THAT DON'T APPLY AND GIVE
16 EXPLANATIONS FOR YOUR CASE.

18 SUMMARY OF FACTS

19 LIST PROCEDURAL DETAILS HERE AND EVIDENCE OF REHABILITATION WITH
20 EXHIBITS

21 A PERSON IN VIOLATION OF PENAL CODE § _____
22 IS ELIGIBLE FOR A CERTIFICATE OF REHABILITATION

23 Penal Code § 4852.01(c) Any person convicted of a felony or
24 any person who is convicted of a misdemeanor violation of
25 any sex offense specified in Section 290, the accusatory
26 pleading of which has been dismissed pursuant to Section
27 1203.4, may file a petition for certificate of
28 rehabilitation and pardon pursuant to the provisions of this
chapter if 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 the petitioner presents satisfactory evidence of five

1 years residence in this state prior to the filing of the
2 petition.

3 Penal Code § 4852.01(d) This chapter shall not apply to
4 persons serving a mandatory life parole, persons committed
5 under death sentences, persons convicted of a violation of
6 subdivision (c) of Section 286, Section 288, subdivision (c)
7 of Section 288a, Section 288.5, or subdivision (j) of
8 Section 289, or persons in the military service.

9 **A CERTIFICATE OF REHABILITATION GRANTED FROM A CONVICTION**
10 **OF PENAL CODE § _____, RELIEVES THE DEFENDANT FROM THE DUTY**
11 **TO REGISTER UNDER PENAL CODE § 290**

12 **Penal Code § 290.5**(a) A person required to register under
13 Section 290 may initiate a proceeding under Chapter 3.5
14 (commencing with Section 4852.01) of Title 6 of Part 3, and,
15 except persons described in paragraph (1) of subdivision (a)
16 of Section 290.4 or paragraph (2) of subdivision (g) of
17 Section 290, upon obtaining a certificate of rehabilitation,
18 shall be relieved of any further duty to register under
19 Section 290 if not in custody, on parole, or on probation.
20 This certificate shall not relieve persons described in
21 paragraph (1) of subdivision (a) of Section 290.4 or
22 paragraph (2) of subdivision (g) of Section 290 of the duty
23 to register under Section 290 and shall not relieve a
24 petitioner of the duty to register under Section 290 for any
25 offense subject to that section of which he or she is
26 convicted in the future.

27 (b) (1) Except as provided in paragraphs (2) and (3), a
28 person described in paragraph (1) of subdivision (a) of
Section 290.4 or paragraph (2) of subdivision (g) of Section
290 shall not be relieved of the duty to register until that
person has obtained a full pardon as provided in Chapter 1
(commencing with Section 4800) or Chapter 3 (commencing with
Section 4850) of Title 6 of Part 3.

(2) This subdivision does not apply to misdemeanor
violations of Section 647.6.

(3) The court, upon granting a petition for a certificate of
rehabilitation pursuant to Chapter 3.5 (commencing with
Section 4852.01) of Title 6 of Part 3, may relieve a person
of the duty to register under Section 290 for a violation of
Section 288 or 288.5, provided that the person was granted
probation pursuant to subdivision (c) of Section 1203.066,
has complied with the provisions of Section 290 for a
continuous period of at least 10 years immediately preceding
the filing of the petition, and has not been convicted of a
felony during that period.

DEFENDANT HAS COMPLIED WITH THE APPLICABLE WAITING PERIOD

1 In the present case the Defendant was released from custody
2 on _____. The applicable waiting period for obtaining a
3 Certificate of Rehabilitation is _____.

4 **Penal Code § 4852.03 (a)** The period of rehabilitation shall
5 begin to run upon the discharge of the petitioner from
6 custody due to his or her completion of the term to which he
7 or she was sentenced or upon his or her release on parole or
8 probation, whichever is sooner. For purposes of this
chapter, the period of rehabilitation shall constitute five
years' residence in this state, plus a period of time
determined by the following rules:

9 (1) To the five years there shall be added four years in the
10 case of any person convicted of violating Section 187, 209,
219, 4500 or 12310 of this code, or subdivision (a) of
11 Section 1672 of the Military and Veterans Code, or of
committing any other offense which carries a life sentence.

12 (2) To the five years there shall be added two years in the
13 case of any person convicted of committing any offense which
is not listed in paragraph (1) and which does not carry a
life sentence.

14 (3) The trial court hearing the application for the
15 certificate of rehabilitation may, if the defendant was
16 ordered to serve consecutive sentences, order that his or
her statutory period of rehabilitation be extended for an
17 additional period of time which when combined with the time
already served will not exceed the period prescribed by
18 statute for the sum of the maximum penalties for all the
crimes.

19 **STANDARD OF CONDUCT**

20 **Penal Code § 4852.05.** The person shall live an honest and
21 upright life, shall conduct himself or herself with sobriety
and industry, shall exhibit a good moral character, and
22 shall conform to and obey the laws of the land.

23 **SUPERIOR COURT JURISDICTION**

24 The court that has jurisdiction over a certificate of
25 rehabilitation if the Superior Court of the County of Residency.
26 This is also the case Certificate of Rehabilitations from
27 Misdemeanor violations.

28 **§ 4852.06.** Except as provided in subdivision (a) of Section

1 4852.01, after the expiration of the minimum period of
2 rehabilitation applicable to him or her (and, in the case of
3 persons released upon parole or probation, after the
4 termination of parole or probation), each person **who has**
5 **complied with the requirements of Section 4852.05 may file**
6 **in the superior court of the county in which he or she then**
7 **resides** a petition for ascertainment and declaration of the
8 fact of his or her rehabilitation and of matters incident
9 thereto, and for a certificate of rehabilitation under this
10 chapter.

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CONCLUSION

ARGUE FACTS THAT SHOW THAT DEFENDANT DESERVES A CERTIFICATE OF
REHABILITATION