

SUPERIOR COURT OF CALIFORNIA, COUNTY OF MADERA

Instructions for Petition for Certificate of Rehabilitation and Pardon

- (a) Prepare the Petition, sign your name, and file it with the Clerk of the Court.
- (b) In every case, you must have resided continuously for three years in the State prior to filing the petition. If you were discharged or released on parole after May 13, 1943, or if you were released on felony probation, at least three years must have elapsed before you can file for a Certificate of Rehabilitation. In addition to such three-year period there must be added thereto thirty days for each year of the term prescribed by statute at the maximum possible penalty of imprisonment for each offense for which you were sentenced. If you were sentenced to concurrent terms the greatest possible maximum for any such offenses shall constitute the maximum for the purpose of computing the period of rehabilitation. However, if you received any sentence with a maximum possible penalty of more than fifty years, or if the sum of the maximum possible penalties on consecutive terms is more than fifty years, the law allows you to calculate the additional period of residence as if the maximum possible penalty were only fifty years.
- (c) If you were released on parole or probation, or if you were discharged from custody *prior* to May 13, 1943, you may file a Petition for a Certificate of Rehabilitation and Pardon if you have resided in this State continuously for three years prior to filing of such Petition. However, your parole or probation must have terminated. If you were required to serve jail time as part of your felony probation, the three year period does not begin until your actual release from custody.
- (d) If you were released on felony probation and successfully completed that probation, you must obtain relief under Penal Code §1203.4 before applying for a Certificate of Rehabilitation.
- (e) You are entitled to be represented by an attorney of your own selection, or if you have none, by the public defender. If there is no public defender in the county, by a state parole officer, or by one assigned to you by the court.
- (f) It is unlawful for anyone, including attorneys, to accept any fee, money, or anything of value for their services in representing you in this proceeding.
- (g) You are not required to pay filing fees of any kind in connection with this proceeding.
- (h) When the Court sets a hearing date on your Petition you are required to give notice of that date at least thirty 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.
- (i) A Certificate of Rehabilitation is not an automatic pardon; it is only an automatic application for a pardon.

Law reference: Sections 1203.4, and 4852.01 to 4852.2, inclusive, Penal Code of California.
This form prepared under direction of the Office of the Attorney General of the State of California.