
SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE

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CERTIFICATE OF REHABILITATION AND PARDON

SELF-HELP FORM PACKET



SHC-CRIM-07 (Rev. 08/06/2021)

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SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE

700 Civic Center Drive West
Santa Ana, CA 92702-2024
(877) 872-2122
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CERTIFICATE OF REHABILITATION AND PARDON
Information
Penal Code 4852.01, and 4852.06

- Instruction Sheet
- Petition for Certificate of Rehabilitation and Pardon
- Notice of Filing of Petition for Certificate of Rehabilitation and Pardon
- Proof of Service
- Certificate of Rehabilitation

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

CERTIFICATE OF REHABILITATION

GOVERNOR’S PARDON

DOES:

- Relieve some sex offenders, as specified, of further duty to register. (Pen. Code § 290.5.)
- Enhance a felon’s potential for licensing consideration by a State board. (Pen. Code § 4853.)
- Serve as an official document to demonstrate a felon’s rehabilitation, which could enhance employment possibilities.
- Serve as an automatic application for a gubernatorial pardon.

DOES NOT:

- Erase the felony conviction or seal the criminal record. (Pen. Code § 4852.17.)
- Prevent the offense from being considered as a prior conviction if the person is later convicted of a new offense.
- Allow a felon to answer on employment applications that he/she has no record of conviction.
- Give a felon the right to vote – this right is automatically restored after termination from probation or discharge from parole.

DOES:

- Allow a felon to serve on a jury trial. (Code Civ. Proc. § 203 subd. (a)(5).)
- Allow restoration of firearms rights, upon 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.)
- 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.)
- Allow specified sex offenders still required to register after obtaining a CR to be relieved of duty to register if granted a full pardon. (Pen. Code § 290.5.)

DOES NOT:

- Seal or erase the record of conviction. (Pen. Code § 4852.17.)
- Prevent the pardoned offense from being considered as a prior conviction if the person is later convicted of a new offense.
- Allow a pardoned person to answer on employment applications that he/she has no record of conviction.
- Restore ability to own a firearm to felons convicted of any offense involving the use of a dangerous weapon. (Pen. Code 4854.)
- Pardon convictions from another state, or federal convictions.
- Necessarily prevent deportation.

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Petition for Certificate of Rehabilitation and Pardon Instructions

These are the instructions for completing the Orange County Superior Court forms entitled "Petition for Certificate of Rehabilitation and Pardon" (Form No. L-0408.1), "Notice of Filing Petition for Certificate of Rehabilitation and Pardon" (Form No. L-0409), "Proof of Service- Petition for Certificate of Rehabilitation and Pardon" (Form No.L-0801), and the "Certificate of Rehabilitation" (Form No. L-410.2).

The petition must be filed in the superior court of the county in which the petitioner currently resides. If the court grants the petition, the certificate of rehabilitation will be transmitted to the Governor and will constitute an application for a full pardon. (Penal Code § 4852.16.)

Only one petition should be filed, even if the petitioner has multiple convictions. All felony convictions and convictions of misdemeanor sex offenses specified in Penal Code Section 290 must be disclosed in the petition.

Section 1 - Are You Eligible?

If you were convicted of a felony and committed to a state prison, institution, or agency including commitment to a county jail pursuant to subdivision (h) of Section 1170, you may file a petition for a certificate of rehabilitation and pardon if you can demonstrate the following: (1) That you have resided continuously in California, after leaving prison or other institution or agency, for the five years immediately preceding the filing of this petition; (2) That you have completed the applicable rehabilitation period set forth below in Section 2 of these instructions; and (3) That you have lived an honest and upright life, conducted yourself with sobriety and industry, exhibited a good moral character, and conformed to and obeyed the laws of the land since being released. (Penal Code §§ 4852.01(a); 4852.01(b); 4852.03; 4852.05; 4852.06.)

If you were convicted of a felony sex offense specified in Penal Code Section 290, and you were sentenced pursuant to Penal Code Section 1170(h), you may file a petition for certificate of rehabilitation and pardon if you meet all of the following requirements: (1) You have obtained relief under Penal Code Section 1203.41; (2) You have not been incarcerated in any prison, jail, detention facility, or other penal institution or agency after your Penal Code Section 1203.41 petition was granted; (3) You are not currently on probation or mandatory supervision for any other felony; (4) You present satisfactory evidence of five years continuous residence in this state immediately prior to the filing of this petition; (5) You have completed the applicable rehabilitation period set forth below in Section 2 of these instructions; and (6) You have lived an honest and upright life, conducted yourself with sobriety and industry, exhibited a good moral character, and conformed to and obeyed the laws of the land since being released. (Penal Code §§ 4852.01(b); 4852.03; 4852.05; 4852.06.)

If you were convicted of a felony or a misdemeanor sex offense specified in Penal Code Section 290, and you were placed on probation, you may file a petition for certificate of

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PETITION FOR CERTIFICATE OF REHABILITATION AND PARDON
INSTRUCTIONS

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE

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Petition for Certificate of Rehabilitation and Pardon Instructions

rehabilitation and pardon if you meet all of the following requirements: (1) You have obtained relief under Penal Code Section 1203.4; (2) You have not been incarcerated in any prison, jail, detention facility, or other penal institution or agency after your Penal Code Section 1203.4 petition was granted; (3) You are not currently on probation or mandatory supervision for any other felony; (4) You present satisfactory evidence of five years continuous residence in this state immediately prior to the filing of this petition; (5) You have completed the applicable rehabilitation period set forth below in Section 2 of these instructions; and (6) You have lived an honest and upright life, conducted yourself with sobriety and industry, exhibited a good moral character, and conformed to and obeyed the laws of the land since being released. (Penal Code §§ 4852.01(b); 4852.03; 4852.05; 4852.06.)

You are not eligible to apply for a certificate of rehabilitation and pardon if any of the following are true: (1) You are serving a mandatory life parole; (2) You were committed under a death sentence; (3) You were convicted of any of the following: Penal Code Section 269; Penal Code Section 286, subdivision (c); Penal Code Section 288; Penal Code Section 288a, subdivision (c); Penal Code Section 288.5; Penal Code Section 288.7; or Penal Code Section 289, subdivision (j); (4) You are in the military service. (Penal Code § 4852.01(d)).

Section 2 - When Can You File?

You may file for a certificate of rehabilitation and pardon after your period of rehabilitation ends. The period of rehabilitation begins when you are either discharged from custody after completing the term to which you were sentenced, or upon your release on parole or probation, whichever occurs first. (Penal Code § 4852.03(a)) The period of rehabilitation consists of five years of residence in this state plus one of the following applicable periods.

- 1) To the five years of residency, four years will be added, making the rehabilitation period a total of nine years, if you were convicted of violating Penal Code Sections 187, 209, 219, 4500, or 18755, or Military and Veterans Code Section 1672, subdivision (a), or of committing any other offense which carries a life sentence. (Penal Code § 4852.03(a)(1)).
- 2) To the five years of residency, five years will be added, making the rehabilitation period a total of ten years, if you were convicted of committing any offense or attempted offense for which sex offender registration is required (Penal Code § 290). However, if you were convicted of violating Penal Code Section 311.2, subdivision (b),(c) or (d), or Penal Code Sections 311.3, 311.10, or 314, only two years will be added to the five years of residency, making it a total of seven years. (Penal Code § 4852.03(a)(2)).
- 3) To the five years of residency, two years will be added, making the

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Petition for Certificate of Rehabilitation and Pardon Instructions

rehabilitation period a total of seven years, if you were convicted of any offense that is not listed in paragraphs 1) or 2) above. (Penal Code § 4852.03(a)(3)).

Section 3 - Can You Receive Assistance?

If you are eligible to file the petition, you are entitled to receive assistance from all rehabilitative agencies including the adult probation officer of the county, all state parole officers, and the youth authority (for those under the age of 30). (Penal Code § 4852.04) You may be represented by an attorney of your own selection, or if you have no such counsel, then by the public defender. (Pen.C. § 4852.08)

Other than an attorney licensed to practice law in California, it is a misdemeanor for any person to solicit or accept any money, fee (or anything of value) for representing you in connection with your petition for certificate of rehabilitation or in an application for a pardon. (Penal Code § 4852.2).

There are no filing fees or court fees which must be paid to obtain a certificate of rehabilitation and pardon. (Penal Code § 4852.09).

Section 4 - How Do You File the Documents and Notify the Proper Entities?

PREPARING THE PETITION AND RELATED DOCUMENTS:

- A. You must completely fill out the petition (Form No.L-0408.1), sign it, and file it with the Clerk of the Court. When filling out this petition, you must list all California convictions for felony offenses and for misdemeanor sex offenses which are specified in Penal Code Section 290.

Because the petition for rehabilitation must list all the foregoing convictions, you should file only one petition, regardless of the number of convictions you have sustained. If the court determines that you are rehabilitated, the certificate of rehabilitation will apply to all convictions listed on your petition. If you have failed to list all required offenses, then even if your petition is granted by the court, the Governor's Legal Affairs Office will not proceed to the next step in your application for a pardon.

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If you received a Penal Code section 1203.4 dismissal, attach a copy of the dismissal order to the Petition.

- B. You must also completely fill out and sign the Notice (Form No. L-0409). Before serving the documents you must fill in the hearing date. You may either select it yourself on a Friday at least 45 days away, at 8:30 a.m., or you may obtain the hearing date from the clerk's office. Although these matters are currently heard in Department C5, at the Central Justice Center, it is a good idea to check with the clerk as to the correct department (courtroom) before completing the Notice form.
- C. In addition, you must fill out the Certificate of Rehabilitation (Form No. L-0410.2), but do not sign it. If your petition is granted, the Certificate will be signed by the judge at the time the petition is granted.
- D. The Proof of Service (Form No. L-0801), must be filled out by the person who has served the documents, which must be someone other than the petitioner. (See below.)

SERVING (NOTIFYING) THE PROPER ENTITIES:

Thirty (30) days written notice of the hearing date on your petition must be given to: (1) The district attorney of the county in which you filed the petition; (2) The district attorney of each county in which you were convicted of a felony or of an offense that was dismissed pursuant to Penal Code § 1203.4; and (3) The office of the Governor. (Penal Code § 4852.07).

To accomplish this, you will need at least four copies of the following forms: The Petition, the Notice, the Proof of Service and the Certificate of Rehabilitation (Forms L-0408.1, L-0409, L-0801, and L-410.2):

- The original is for the court;
- One copy is for Petitioner's records;
- One copy is for the Orange County District Attorney;
- One copy is for the Governor;
- One copy is for each District Attorney of any other county in which the Petitioner was convicted.

The Governor, the Orange County District Attorney, and the District Attorney of each county of conviction must be "served." "Served" means to be formally provided with notice of the proceedings and copies of all relevant documents. These documents may be "served" either by mail or in person.

The person serving the above-referenced documents must be over the age of 18 years and **MAY NOT BE THE PETITIONER**. The person who serves the documents must also complete and sign the Proof of Service.

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Petition for Certificate of Rehabilitation and Pardon Instructions

The above-referenced documents must be served on the following:

- GOVERNOR OF THE STATE OF CALIFORNIA
Department of Legal Affairs
State Capitol Building
1303 10th St.
Sacramento, CA 95814-4910
- ORANGE COUNTY DISTRICT ATTORNEY
401 Civic Center Drive West
Santa Ana, CA 92701
- District Attorney of any other County where the Petitioner was convicted

Personal service must be completed at least 30 days prior to the hearing date.
Service by mail must be completed at least 35 days prior to the hearing date.

FILING THE DOCUMENTS WITH THE COURT CLERK:

After service is made, take all the documents (The Petition, the Notice, the Certificate and the Proof of Service) to the Criminal Clerks Office at Central Justice Center in room K-100 and submit them to the court clerk for filing.

Section 5 – The Hearing and Disposition

On the hearing date, the Petitioner or his or her attorney must appear in court in the appropriate department at the designated time. Because many other cases may be calendared for the same date, a long wait is not uncommon.

Please be aware that if the court grants the Petition and signs the Certificate of Rehabilitation, this does not constitute a pardon. If the court grants the Petition, the Criminal Clerks' Office will send a certified copy of the Certificate of Rehabilitation to the Governor. The certified copy of the Certificate becomes an application to the Governor for a full pardon. The Governor will decide whether or not to issue the pardon.

Name:	Case Number: M-
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(C)
Date of Release

Thereafter, on or about _____, petitioner was;
Date released from custody

[Check the appropriate box(es)]

- Discharged from state prison or other state institution after completing his/her sentence on _____ (date).
- Released on parole on _____ (date).
- Released from county jail pursuant to Penal Code 1170(h) (no mandatory supervision) on _____ (date).
- Released from county jail to serve mandatory supervision pursuant to Penal Code 1170(h) on _____ (date).
- Released from custody on probation (after serving a jail sentence as a condition of probation) on _____ (date).
- Released on probation (if no jail sentence was imposed) on _____ (date).

(D)

Penal Code 1203.4 History (For Probationers Only)

- A. After termination of probation on _____, a petition for relief under Penal Code section 1203.4 was granted on _____ (date).
- B. Has petitioner been incarcerated in any prison, jail, detention facility, or other penal institution or agency after his/her Penal Code section 1203.4 petition was granted? Yes ___ No ___
- C. If yes, when and where? _____.
- D. Is petitioner currently on probation or mandatory supervision for the commission of any other felony? Yes ___ No ___
- E. Petitioner presents the following evidence that he/she has resided in California for the past five years (supporting documentation may be attached as exhibits to the petition):

(E)

Penal Code 1203.41 History (For sentences pursuant to PC 1170(h) only)

- a) A petition for relief under Penal Code section 1203.41 was granted on _____ (date).
- b) Has petitioner been incarcerated in any prison, jail, detention facility, or other penal institution or agency after his/her Penal Code section 1203.41 petition was granted? Yes ___ No ___
- c) If yes, when and where? _____.
- d) Is petitioner currently on probation for the commission of any other felony? Yes ___ No ___
- e) Petitioner presents the following evidence that he/she has resided in California for the past five years (supporting documentation may be attached as exhibits to the petition):

Name:	Case Number: M-
-------	-----------------

Second Most Recent Qualifying Conviction

**(A)
Offense**

On or about _____, petitioner was convicted of the crime of _____
Month Day, Year Indicate Crime and Code Section
on case number: _____ in the County of _____, California.

**(B)
Type of Sentence or Disposition**

Petitioner's sentence for this offense was:
[Check the appropriate box]

- Commitment to state prison or other state institution at _____;
Name of institution or city where located
- Sentenced to county jail pursuant to Penal Code 1170(h) at _____;
Name of county where located
- Sentenced to state prison, but execution of sentence was suspended and petitioner was placed on probation.
- Imposition of sentence was suspended and petitioner was placed on probation.

**(C)
Date of Release**

Thereafter, on or about _____, petitioner was;
Date released from custody

[Check the appropriate box(es)]

- Discharged from state prison or other state institution after completing his/her sentence on _____ (date).
- Released on parole on _____ (date).
- Released from county jail pursuant to Penal Code 1170(h) (no mandatory supervision) on _____ (date);
- Released from county jail to serve mandatory supervision pursuant to Penal Code 1170(h) on _____ (date);
- Released from custody on probation (after serving a jail sentence as a condition of probation)
on _____ (date).
- Released on probation (if no jail sentence was imposed) on _____ (date).

**(D)
Penal Code 1203.4 History (For Probationers Only)**

- A. After termination of probation on _____, a petition for relief under Penal Code section 1203.4 was granted on _____ (date).
- B. Has petitioner been incarcerated in any prison, jail, detention facility, or other penal institution or agency after his/her Penal Code section 1203.4 petition was granted? Yes___ No___
- C. If yes, when and where? _____
- D. Is petitioner currently on probation or mandatory supervision for the commission of any other felony?
Yes___ No___
- E. Petitioner presents the following evidence that he/she has resided in California for the past five years (supporting documentation may be attached as exhibits to the petition):

Name:	Case Number: M-
-------	-----------------

(E)

Penal Code 1203.41 History (For sentences pursuant to PC 1170(h) only)

- a) A petition for relief under Penal Code section 1203.41 was granted on _____ (date).
- b) Has petitioner been incarcerated in any prison, jail, detention facility, or other penal institution or agency after his/her Penal Code section 1203.41 petition was granted? Yes _____ No _____
- c) If yes, when and where? _____.
- d) Is petitioner currently on probation for the commission of any other felony? Yes _____ No _____
- e) Petitioner presents the following evidence that he/she has resided in California for the past five years (supporting documentation may be attached as exhibits to the petition):

Third Most Recent Qualifying Conviction

(A)

Offense

On or about _____, petitioner was convicted of the crime of _____
Month Day, Year Indicate Crime and Code Section

on case number: _____ in the County of _____, California.

(B)

Type of Sentence or Disposition

Petitioner's sentence for this offense was:
[Check the appropriate box]

- Commitment to state prison or other state institution at _____;
Name of institution or city where located
- Sentenced to county jail pursuant to Penal Code 1170(h) at _____;
Name of county where located
- Sentenced to state prison, but execution of sentence was suspended and petitioner was placed on probation.
- Imposition of sentence was suspended and petitioner was placed on probation.

(C)

Date of Release

Thereafter, on or about _____, petitioner was;
Date released from custody

[Check the appropriate box(es)]

- Discharged from state prison or other state institution after completing his/her sentence on _____ (date).
- Released on parole on _____ (date).
- Released from county jail pursuant to Penal Code 1170(h) (no mandatory supervision) on _____ (date);
- Released from county jail to serve mandatory supervision pursuant to Penal Code 1170(h) on _____ (date);
- Released from custody on probation (after serving a jail sentence as a condition of probation) on _____ (date).
- Released on probation (if no jail sentence was imposed) on _____ (date).

Name:

Case Number: M-

Name:	Case Number: M-
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PETITIONER'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.

I request that the Court make its order declaring that I have been rehabilitated; and for a Certificate of Rehabilitation recommending that the Governor of the State of California grant me a full pardon.

I declare under penalty of perjury under the laws of the State of California that the foregoing information is true and correct.

Date



SIGNATURE OF PETITIONER

TYPE OR PRINT NAME OF PETITIONER

ATTORNEY OR PARTY WITHOUT ATTORNEY (<i>Name & Address</i>): Telephone No.: _____ Fax No. (Optional): _____ E-Mail Address (Optional): _____ ATTORNEY FOR (<i>Name</i>): _____ Bar No: _____	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE CENTRAL JUSTICE CENTER 700 CIVIC CENTER DRIVE WEST POST OFFICE BOX 22024 SANTA ANA, CA 92702-2024	
In the Matter of the Application of _____ <p style="text-align: center;">Type Petitioner's full name – First Middle Last and Suffix, if applicable</p> Date of Birth: _____ CII Number: _____	
NOTICE OF FILING OF PETITION FOR CERTIFICATE OF REHABILITATION AND PARDON (Penal Code § 4852.07)	CASE NUMBER: M -

To the Governor of the State of California:

To the District Attorney, County of _____;
County of Petitioner's Residence

To the District Attorney, County of _____;
County of most recent qualifying conviction, if different from **County of Residence**

To the District Attorney, County of _____;
County of 2nd most recent qualifying conviction, if applicable

To the District Attorney, County of _____;
County of 3rd most recent qualifying conviction, if applicable

On _____ the undersigned has filed a petition in the above mentioned court for a
Date of Filing
 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.

The petition will be heard on _____ at _____ in Department _____ at the Superior Court
Date of Hearing Time Department
 of California, County of Orange, Central Justice Center.

Date

▶ _____
SIGNATURE OF PETITIONER

TYPE OR PRINT NAME OF PETITIONER

Petitioner's Address:

City, State, ZIP

NOTICE OF FILING OF PETITION FOR CERTIFICATE OF REHABILITATION AND PARDON

ATTORNEY OR PARTY WITHOUT ATTORNEY (<i>Name & Address</i>): Telephone No.: _____ Fax No. (Optional): _____ E-Mail Address (Optional): _____ ATTORNEY FOR (<i>Name</i>): _____ Bar No: _____	<i>FOR COURT USE ONLY</i> CASE NUMBER: M -
SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE CENTRAL JUSTICE CENTER 700 CIVIC CENTER DRIVE WEST POST OFFICE BOX 22024 SANTA ANA, CA 92702-2024	
IN THE MATTER OF THE APPLICATION OF _____ Petitioner's full name - First, Middle, Last	
PROOF OF SERVICE Petition for Certificate of Rehabilitation and Pardon	

***TO BE COMPLETED BY THE PERSON SERVING.
 THE PERSON SERVING MUST NOT BE THE PETITIONER.***
 (This is a two-page form - Complete both pages)

Check all applicable boxes:

I am over the age of 18 years and am not a party to the within action.

My Name _____

My Address _____

My Address _____

I served a copy of the Notice of Filing of Petition for Certificate of Rehabilitation and Pardon, the Petition for Certificate of Rehabilitation and Pardon and any attachments thereto on the:

GOVERNOR OF THE STATE OF CALIFORNIA
 DEPARTMENT OF LEGAL AFFAIRS
 STATE CAPITOL BUILDING
 1303 10TH ST
 SACRAMENTO CA 95814-4910

By Personal Service:

On _____ (date), I personally delivered a copy of the Notice, Petition and attachments to the address above. The name of the person who received the copies is _____.

OR

By Mail:

On _____ (date), I personally mailed a copy of the Notice, Petition and attachments to the address above, by placing it in a sealed envelope with postage thereon fully prepaid into the United States mail at _____ (place of mailing).

Name:	Case Number: M-
-------	-----------------

I served a copy of the Notice of Filing of Petition for Certificate of Rehabilitation and Pardon, the Petition for Certificate of Rehabilitation and Pardon and any attachments thereto on the:

ORANGE COUNTY DISTRICT ATTORNEY
 401 CIVIC CENTER DRIVE WEST
 SANTA ANA, CA 92701

By Personal Service:

On _____ (date), I personally delivered a copy of the Notice, Petition and attachments to the address above. The name of the person who received the copies is _____.

OR

By Mail:

On _____ (date), I personally mailed a copy of the Notice, Petition and attachments to the address above, by placing it in a sealed envelope with postage thereon fully prepaid into the United States mail at _____ (place of mailing).

I served a copy of the Notice of Filing of Petition for Certificate of Rehabilitation and Pardon, the Petition for Certificate of Rehabilitation and Pardon and any attachments thereto on the:

_____ **COUNTY DISTRICT ATTORNEY**
 (ADDRESS) _____
 (ADDRESS) _____

By Personal Service:

On _____ (date), I personally delivered a copy of the Notice, Petition and attachments to the address above. The name of the person who received the copies is _____.

OR

By Mail:

On _____ (date), I personally mailed a copy of the Notice, Petition and attachments to the address above, by placing it in a sealed envelope with postage thereon fully prepaid into the United States mail at _____ (place of mailing).

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: _____



 (TYPE OR PRINT NAME OF PERSON WHO SERVED THE PAPERS)

 (SIGNATURE OF PERSON SERVING)

PROOF OF SERVICE
 PETITION FOR REHABILITATION AND PARDON