

# STATE OF NORTH CAROLINA

File No.

\_\_\_\_\_ County

In The General Court Of Justice  
 District     Superior Court Division

## IN THE MATTER OF

## CERTIFICATE OF RELIEF PETITION AND ORDER

G.S. 15A-173.1, -173.2, -173.3, -173.4, -173.5, -173.6

Name And Address Of Petitioner (type or print)

Name And Address Of Petitioner's Attorney

Race                      Sex                      Date Of Birth                      Last Four Digits Of SSN

### I. OFFENSE(S)

File No.	Date Of Conviction	General Statute And Offense Description	Class	Date Of Completion Of Sentence

### II. PETITION

I hereby petition for a Certificate of Relief under Article 6 of Chapter 15A of the General Statutes and certify as follows:

- I was convicted of no more than (i) three Class H or I felonies and (ii) any misdemeanors, as shown above.  
*(Attach an additional sheet listing offenses, if necessary. Multiple convictions of Class H or I felonies in the same session of court shall be treated as one felony conviction for the purposes of a Certificate of Relief.)*
- At least twelve (12) months have passed since I served all of the active time, if any, imposed for each offense, and since I completed any period of probation, post-release supervision, or parole related to the offense that was required by State law or court order.
- I  a. am engaged in, or seeking to engage in, the following lawful occupation or activity: *(list employment, training, education, or rehabilitative program)* \_\_\_\_\_  
 b. have the following lawful source of support: *(list source of support)* \_\_\_\_\_
- I have complied with all requirements of my sentence, including any terms of probation.
- I  a. am not in violation of the terms of any criminal sentence.  
 b. am in violation of the terms of a criminal sentence, but the failure to comply is justified, excused, involuntary, or insubstantial because *(explain justification)* \_\_\_\_\_
- No criminal charges are currently pending against me.
- Granting the petition would not pose an unreasonable risk to the safety or welfare of the public or any individual.
- If I filed a previous petition for a Certificate of Relief that was denied, at least twelve (12) months have passed since the denial, which was entered on *(date)* \_\_\_\_\_. I have remedied any defects in my previous petition and have complied with any conditions for reapplication set by the Court in that *(explain)* \_\_\_\_\_

**NOTE TO PETITIONER:** You may submit additional materials that support the claims made in this petition at the hearing. Please note that any additional materials you submit may become part of the official court record, which is open to the public.

Date \_\_\_\_\_ Signature Of Petitioner \_\_\_\_\_

### III. SERVICE ON DISTRICT ATTORNEY

**NOTE TO CLERK:** "When a petition [for a Certificate of Relief] is filed under G.S. 15A-173.2 . . . the court shall notify the district attorney at least three weeks before the hearing on the matter." G.S. 15A-173.4(a). No hearing may be held on this matter until at least three (3) weeks after notice to the District Attorney.

**NOTE TO DISTRICT ATTORNEY:** "The district attorney shall have the right to appear and be heard at any proceeding relating to the issuance . . . of the Certificate of Relief." G.S. 15A-173.4(c). "The victim of the underlying offense for which a Certificate of Relief is sought may appear and be heard, or may file a statement for consideration by the court, in a proceeding for issuance . . . of the Certificate of Relief. Notification to the victim shall be made through the Victim Witness Coordinator in the office of the district attorney." G.S. 15A-173.6.

The undersigned accepts service of this petition on behalf of the Office of the District Attorney:

Date \_\_\_\_\_ Name Of Person Accepting Service (type or print) \_\_\_\_\_ Title Of Person Accepting Service \_\_\_\_\_ Signature Of Person Accepting Service \_\_\_\_\_

**CAUTION TO PETITIONER:** A Certificate of Relief is **NOT** an expunction or a pardon. It does **NOT** relieve you of the collateral sanctions listed in G.S. 15A-173.3, sanctions imposed by the North Carolina Constitution, sanctions imposed by federal law, or any sanctions that remain in place as identified in Order No. 3 on Side Two. Any Certificate of Relief is automatically revoked for a subsequent conviction of a felony or misdemeanor other than a traffic violation in this State. Also, the court may later modify or revoke your Certificate of Relief if it finds by a preponderance of the evidence that you made a material misrepresentation in your petition. If your Certificate of Relief is modified or revoked by a subsequent conviction or by order of the court, you must notify any employer, landlord, or other party who has relied upon the Certificate of Relief within 10 days of the conviction, modification, or revocation.

**IV. FINDINGS OF FACT**

After a hearing on this petition, and after reviewing the petition, the petitioner’s comprehensive criminal history as provided by the district attorney, any information provided by the victim(s), any additional information provided by the District Attorney, and any other relevant evidence, the Court finds the following by a preponderance of the evidence:

- 1. The petitioner was convicted of no more than (i) three Class H or I felonies and (ii) any misdemeanors.  
(NOTE TO COURT: Multiple felony convictions from the same session of court count as only one.)
- 2. At least twelve (12) months have passed since the petitioner served all of the active time, if any, imposed for each offense, and since the petitioner completed any period of probation, post-release supervision, or parole related to the offense that was required by State law or court order.
- 3. The petitioner (check one or both)
  - a. is engaged in, or seeking to engage in, the following lawful occupation or activity: (list employment, training, education, or rehabilitative program) \_\_\_\_\_.
  - b. has the following lawful source of support: (list source of support) \_\_\_\_\_.
- 4. The petitioner has complied with all requirements of the sentence, including any terms of probation.
- 5. The petitioner (check one)
  - a. is not in violation of the terms of any criminal sentence.
  - b. is in violation of the terms of a criminal sentence, but the failure to comply is justified, excused, involuntary, or insubstantial because (explain justification) \_\_\_\_\_.
- 6. No criminal charges are currently pending against the petitioner.
- 7. Granting the petition would not pose an unreasonable risk to the safety or welfare of the public or any individual.
- 8. No previous petition has been filed, or if the petitioner filed a previous petition for a Certificate of Relief that was denied, at least twelve (12) months have passed since the denial, and the petitioner has remedied any defects in the previous petition and has complied with any conditions for reapplication set by the Court in that (explain) \_\_\_\_\_.
- 9. The Office of the District Attorney received notice at least three weeks prior to the hearing on this matter.
- 10. Other: \_\_\_\_\_.

**V. CONCLUSIONS OF LAW**

Based on the foregoing findings of fact, the Court concludes as follows: (check one)

- 1. (full relief granted) Finding No. 1 through Finding No. 9 above having all been found, and the Court having found no reason in Finding No. 10 above to deny or limit the Certificate of Relief, the petitioner is entitled to a full Certificate of Relief.
- 2. (relief denied) Finding  No. 1 through Finding No. 9 above having **NOT** all been found,  No. 10 above having been found indicating that the petitioner should not obtain the relief requested, the petitioner is **NOT** entitled to a Certificate of Relief.  
 The following reapplication condition(s) is necessary: \_\_\_\_\_.
- 3. (restricted relief granted) Finding No. 1 through Finding No. 9 above having all been found, **BUT** having found reason in Finding No. 10 above to limit the Certificate of Relief, the petitioner is entitled to a Certificate of Relief, with the following limitation: (identify restriction and/or collateral consequence from which relief should not be granted) \_\_\_\_\_.

**VI. ORDER**

(check one)

- 1. (full relief granted) The petitioner’s request for a full Certificate of Relief is granted.
- 2. (relief denied) The petitioner’s request for a full Certificate of Relief is denied.  If the petitioner chooses to reapply under G.S. 15A-173.2(g), the petitioner must satisfy the following condition(s) of reapplication: \_\_\_\_\_.
- 3. (restricted relief granted) The petitioner’s request for a Certificate of Relief is granted, with the following limitation: (identify restriction and/or collateral consequence from which relief is not granted) \_\_\_\_\_.

Date	Name Of Judicial Official (type or print)	Signature Of Judicial Official	<input type="checkbox"/> Judge <input type="checkbox"/> Clerk <input type="checkbox"/> Magistrate
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