

# STATE OF NORTH CAROLINA

File No.

In The General Court Of Justice  
District Court Division

\_\_\_\_\_ County

## IN THE MATTER OF

Name And Address Of Petitioner (type or print)

Race	Sex	Date Of Birth
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Name And Address Of Attorney For Petitioner

## PETITION AND ORDER FOR RESTORATION OF FIREARM RIGHTS

G.S. 14-415.4

### NOTE TO PETITIONER:

1. This petition must be filed in the district court of the North Carolina county where you reside.
2. Knowing and willful submission of false information on this petition is a Class 1 misdemeanor, and will result in a permanent prohibition from petitioning for restoration of firearms rights under G.S. 14-415.4.
3. As part of this petition process, you must submit your fingerprints to the Sheriff for a State and national criminal background check by the State Bureau of Investigation (SBI). Contact the Sheriff of your county of residence in order to provide your fingerprints for that check. Print and complete the background check consent form at [www.ncsbi.gov/SBI-Forms/SBIRestorationFirearmsRights.aspx](http://www.ncsbi.gov/SBI-Forms/SBIRestorationFirearmsRights.aspx), and provide it to the Sheriff when giving your fingerprints. The Clerk of Superior Court will not schedule this petition for a hearing until the results of that background check have been delivered to the Clerk's office by the SBI.
4. Upon delivery of the background check results, the Clerk will schedule this petition for hearing and will notify you and the district attorney of the hearing date.

### PETITION FOR RESTORATION

The petitioner named above hereby petitions the court, pursuant to G.S. 14-415.4, to restore the petitioner's firearms rights, as defined in that statute, and in support of this petition states the following:

1. I am a resident of the State of North Carolina and of the above-captioned county, and I have been a resident of this State for at least one year immediately preceding the filing of this petition.
2. I was convicted of a single, non-violent felony, as that term is defined in G.S. 14-415.4(a)(2), in the following proceeding:

County/Federal District Court District	State	Case Number	Offense Of Conviction	Date Of Conviction

3. I was convicted of the additional non-violent felonies shown on the attachment to this petition that all (i) arose out of the same event, and (ii) were consolidated for sentencing with the felony listed in No. 2. (Attach additional sheet, providing for each additional offense the identifying information in No. 2.)
4. Prior to the filing of this petition (check only one)
- a. (if conviction was in a North Carolina case) my citizenship rights have been restored for at least 20 years pursuant to Chapter 13 of the North Carolina General Statutes.
- b. (if conviction was in a jurisdiction other than North Carolina) at least 20 years have passed since my unconditional discharge or unconditional pardon by the agency having jurisdiction where the conviction occurred, and my citizenship rights have been restored pursuant to the law of that jurisdiction, including the right to possess a firearm.
5. I have not been convicted of any misdemeanor crime of violence described in G.S. 14-415.4(e)(6) since the conviction of the felony listed above, nor of any substantially similar out-of-state or federal offense.
6. I have submitted my full set of fingerprints and consent form to the Sheriff of this county for delivery to the SBI for a State and national criminal background check related to this petition.
7. I am not disqualified from restoration of my firearms rights for any reason listed in G.S. 14-415.4(e).

Date	Name Of Petitioner (type or print)	Signature Of Petitioner
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### NOTICE OF HEARING

**NOTE TO CLERK:** Do not schedule this petition for hearing until return of the criminal background check from the SBI. Upon receipt of the background check, schedule the hearing and notify the petitioner and district attorney by copy of this petition. The district attorney must be given at least four weeks' notice prior to the hearing. The hearing may be scheduled for any regular session of the district court.

**To the petitioner and to the district attorney for the prosecutorial district that includes the county named above:**

A hearing on the above petition will be held on the date and at the time and location shown below.

Date Of Hearing	Time Of Hearing <input type="checkbox"/> AM <input type="checkbox"/> PM	Location Of Hearing
Date	Name (type or print)	Signature <input type="checkbox"/> Deputy CSC <input type="checkbox"/> Asst. CSC <input type="checkbox"/> Clerk Of Superior Court

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

After a hearing on the petition, the Court makes the following findings of fact and conclusions of law, which findings have been established by a preponderance of the evidence:

1. The petitioner  does  does not satisfy the criteria of G.S. 14-415.4(d) for restoration of his/her firearm rights in that:
  - a. Petitioner  is  is not a resident of the above-captioned county, and  has  has not been a resident of said county for a period of at least one year immediately preceding the filing of this petition.
  - b. Petitioner  has  has not been convicted of only the one, non-violent felony listed on Side One, or if multiple felonies, of only non-violent felonies arising from the same event and consolidated for sentencing.
  - c. Petitioner's citizenship rights  have  have not been restored pursuant to (check only one)
    - i. (for N.C. conviction) Chapter 13 of the General Statutes.
    - ii. (for conviction in a jurisdiction other than N.C.) the laws of the jurisdiction of conviction, including the right to possess a firearm.
  - d. Petitioner  did  did not wait the applicable waiting period before filing this petition, specifically (check only one)
    - i. (for N.C. conviction) at least 20 years after restoration of his/her rights pursuant to Chapter 13 of the General Statutes.
    - ii. (for conviction in a jurisdiction other than N.C.) at least 20 years after his/her unconditional discharge or unconditional pardon by the agency having jurisdiction where the conviction occurred.
  - e. Petitioner  has  has not submitted his/her fingerprints for a State and national criminal history record check in support of this petition.
2. The petitioner  is  is not disqualified for any reason listed in G.S. 14-415.4(e). If disqualified, it is because:
  - a. Petitioner is ineligible to purchase, own, possess, or have in Petitioner's custody, care or control a firearm under a provision of North Carolina law other than G.S. 14-415.1. The statute and circumstances rendering Petitioner ineligible are:
 

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\_\_\_\_\_
  - b. Petitioner is under indictment for a felony or a finding of probable cause exists against the petitioner for a felony in (list jurisdiction and case identifier for pending charge): \_\_\_\_\_
  - c. Petitioner is a fugitive from justice.
  - d. Petitioner is an unlawful user of, or addicted to, marijuana, alcohol, a depressant, stimulant, or narcotic drug, or other controlled substance as defined in 21 U.S.C. § 802.
  - e. Petitioner is or has been dishonorably discharged from the armed forces.
  - f. Petitioner has been adjudicated guilty of or received a prayer for judgment continued or suspended sentence for a misdemeanor crime of violence described in G.S. 14-415.4(e)(6), or a substantially similar out-of-state or federal offense in (list jurisdiction and case identifier for misdemeanor charge): \_\_\_\_\_
  - g. Petitioner has had entry of a prayer for judgment continued for a felony, in addition to the non-violent felony(ies) listed on Side One, in (list jurisdiction and case identifier for PJC): \_\_\_\_\_
  - h. Petitioner is free on bond or personal recognizance pending trial, appeal, or sentencing in (list jurisdiction and case identifier for charge) \_\_\_\_\_  
 \_\_\_\_\_  
 which crime would prohibit him/her from having his/her firearms rights restored under G.S. 14-415.4.
  - i. An emergency order, ex parte order, or protective order has been issued pursuant to Chapter 50B of the General Statutes or a similar out-of-state or federal order has been issued against Petitioner and the order is still in effect in (list jurisdiction and case identifier for court order): \_\_\_\_\_
  - j. A civil no-contact order has been issued pursuant to Chapter 50C of the General Statutes or a similar out-of-state or federal order has been issued against Petitioner and the order is still in effect in (list jurisdiction and case identifier for court order): \_\_\_\_\_
  - k. Petitioner is barred from relief under G.S. 14-415.4(j) due to a subsequent felony conviction after a prior restoration under G.S. 14-415.4 (list jurisdiction and case identifier for subsequent conviction): \_\_\_\_\_
3. Other: \_\_\_\_\_

**ORDER**

**For the reasons stated in the Findings above, the Court hereby ORDERS that:**

1. The petition is granted. Petitioner may purchase, own, possess, or have in his/her custody, care, or control any firearm or any weapon of mass death and destruction as those terms are defined in G.S. 14-415.1 and G.S. 14-288.8(c) without being in violation of G.S. 14-415.1, if otherwise qualified. The Clerk of Superior Court shall provide certified copies of this order to the Sheriff, NC Department of Justice, and the National Instant Criminal Background Check System (NICS) within ten (10) days of its entry.
2. The petition is denied.

Date	Name Of Presiding Judge (type or print)	Signature Of Presiding Judge
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**CERTIFICATION BY CLERK**

I hereby certify that this form is a true and complete copy of the original in this case.

Date	Name (type or print)	Signature	<input type="checkbox"/> Deputy CSC <input type="checkbox"/> Asst. CSC <input type="checkbox"/> Clerk Of Superior Court
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**NOTE TO CLERK:** If granted, send a certified copy of this Order under seal to the Sheriff of the petitioner's county of residence, the State Bureau of Investigation, and to the FBI's National Instant Criminal Background Check System (NICS). Send the SBI and NICS copies to:

NC State Bureau Of Investigation Attn: CIIS DDE/NICS Research Unit PO Box 29500 Raleigh, NC 27626	FBI Attn: NICS Operations Center 1000 Custer Hollow Road Clarksburg, West Virginia 26306-0147
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