

STATE OF MICHIGAN
JUDICIAL DISTRICT
JUDICIAL CIRCUIT

APPLICATION TO
SET ASIDE CONVICTION

CASE NO.

ORI MI- Police Report No. Court address Court telephone no.

THE PEOPLE OF [] The State of Michigan [] _____

v

Defendant's name, address, and telephone no. CTN SID DOB

Before completing this form, please see other side for instructions

- 1. On _____ Date I was convicted of the following offense: _____ . A certified record of this conviction is attached. [] I was not imprisoned for this offense. [] I was discharged from imprisonment for this offense on _____ Date.
2. [] No other application has been filed to set aside this or any other conviction. OR [] An application was filed to set aside [] this conviction [] a conviction for _____ .

The application was disposed of as follows: _____

- 3. At least five years have elapsed since the sentence was imposed or since I was discharged from imprisonment for the conviction. No other criminal charges are pending against me. I have not been convicted of any other offense.
4. I request that the court issue an order to set aside the above conviction as provided by law. I consent to the use of any nonpublic record created by law to the extent authorized.

Date Applicant signature
Subscribed and sworn to before me on _____ Date, _____ County, Michigan.
My commission expires: _____ Date Signature: _____ Deputy clerk/notary public
Notary public, State of Michigan, County of _____

NOTICE OF HEARING

The hearing cannot be held until the court receives the Michigan State Police report required under MCL 780.621(5)

TO: Michigan Attorney General and _____ Prosecuting official
Take notice that on _____ Date at _____ Time m., at [] the above location, courtroom _____ or [] _____,
a hearing before Judge _____ will be held on the above application to set aside conviction.

PROOF OF SERVICE

I certify that I served this application and notice of hearing upon the
[] prosecuting official on _____ Date by first class mail or by leaving it at his/her office.
[] Attorney General on _____ Date by first class mail or by leaving it at his/her office.
I certify that I also served a copy of this application and the fingerprint card, accompanied by the required fee, on the Michigan State Police on _____ Date by first class mail or by leaving it at the department.

Date Applicant/attorney signature

INSTRUCTIONS

To The Applicant:

1. You may not apply to have a conviction set aside for:
 - a) a felony or an attempt to commit a felony punishable by life imprisonment; or
 - b) a violation or attempted violation of criminal sexual conduct under 750.520c, 750.520d, or 750.520g; or
 - c) a traffic offense.

If you have had more than one conviction for any offense, you cannot apply.

Although a conviction for a non-traffic offense reportable to the Secretary of State may be set aside by the court, as stated in MCL 257.732(20), the court cannot order the removal of the driving record.

2. You may not apply until:
 - a) 5 years have passed since the date you were sentenced for the conviction if you were not imprisoned, or
 - b) If you were imprisoned, 5 years have passed since release from a term of imprisonment for the conviction.
3. Find out the exact date of conviction and the charge from the court clerk and fill in this application. Obtain a certified copy of the judgment of sentence, probation order, or register of actions and attach it to this application.
4. Swear to the truth of the statements in this application in the presence of the court clerk or a notary public.
5. Present this application with all copies to the court clerk and request a hearing date.
6. The court clerk will complete the notice of hearing on this application and return copies to you.
7. Mail or deliver a copy of this application, with the hearing date filled in, to the Attorney General of the State of Michigan and the prosecuting official of the county or political subdivision who prosecuted the case.
8. Go to the local law enforcement agency for the fingerprint card and get fingerprinted on the applicant card (RI-8). Fill out the card completely. **Be sure to ask the local law enforcement agency the amount of the application fee.**
9. Mail or deliver a copy of this application and appropriate attachments, the fingerprint card, and the appropriate fee to the Michigan State Police. The fee, payable to the State of Michigan, must accompany this application.
10. After you have mailed or delivered the copies to the Attorney General, prosecuting official, and Michigan State Police, complete the proof of service on the return copy, and file it with the court clerk.

Attorney General's Office
Corrections Division
PO Box 30217
Lansing, Michigan 48909

Michigan State Police
Criminal Justice Information Center
7150 Harris Drive
Lansing, Michigan 48913

11. Appear at the hearing.
12. If the name of the victim of an assaultive crime is known by the prosecuting attorney, the prosecuting attorney will give that victim written notice of this application and will forward a copy of this application to the victim.