

STATE OF MICHIGAN JUDICIAL DISTRICT JUDICIAL CIRCUIT	ORDER ON APPLICATION TO SET ASIDE MISDEMEANOR MARIHUANA CONVICTION(S)	CASE NO. and JUDGE <input type="checkbox"/> This application includes multiple case numbers as listed in item 1.
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ORI _____ Court address _____ Court telephone no. _____

MI- _____
Police Report No. _____

THE PEOPLE OF <input type="checkbox"/> The State of Michigan <input type="checkbox"/> _____	v	Defendant's name, address, and telephone no. <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 33%;">CTN/TCN</td> <td style="width: 33%;">SID</td> <td style="width: 33%;">DOB</td> </tr> </table>	CTN/TCN	SID	DOB
CTN/TCN	SID	DOB			

THE COURT FINDS:

1. An application to set aside the following conviction(s) was filed on _____ .
Date

	CRIME	CHARGE CODE(S) MCL citation/PACC Code	DATE OF CONVICTION	CASE NUMBER
a.				
b.				
c.				
d.				

☐ 2. The prosecuting agency was given the opportunity to respond to the application. It has been 60 days since the date of service of the application. No answer has been filed with the court.

☐ 3. A hearing was held on _____ .
Date

☐ 4. The prosecuting agency **has** proven by a preponderance of the evidence that the following conviction or convictions were based upon conduct that would constitute a criminal violation of the laws of this state or a political subdivision of this state if it had been committed on or after December 6, 2018:

- ☐ all convictions listed in item 1.
☐ the following convictions: _____ .

☐ 5. The prosecuting agency **has not** proven by a preponderance of the evidence that the following conviction or convictions were based upon conduct that would constitute a criminal violation of the laws of this state or a political subdivision of this state if it had been committed on or after December 6, 2018:

- ☐ all convictions listed in item 1.
☐ the following convictions: _____ .

IT IS ORDERED:

☐ 6. The application is denied as to:
☐ a. all convictions listed in item 1.

☐ b. the following convictions: _____ .

IT IS ORDERED: (continued)

- ☐ 7. The application is granted as to:
- ☐ a. all convictions listed in item 1.
 - ☐ b. the following convictions: _____.

The conviction(s) indicated above is/are set aside. Under MCL 780.623 the Michigan State Police shall maintain a **nonpublic record** of the order setting aside conviction and of the arrest, fingerprints, conviction, and sentence of the applicant in each case to which this order applies. If the conviction is for an offense that was reportable to the Secretary of State in accordance with MCL 257.732(22), the driving record shall not be expunged. If the court or arresting agency maintains a record of the arrest, biometric data, conviction or sentence, that record shall be nonpublic and not used for any purpose unless authorized by law.

Judge signature and date

NOTE TO APPLICANT: This order does not relieve any obligation to pay restitution owed to the victim of a crime nor does it affect the jurisdiction of the convicting court or the authority of any court order with regard to enforcing an order of restitution. The applicant is not entitled to the return of any fine, costs, or other money paid as a consequence of a conviction that is set aside.

Under MCL 780.621f, if this order sets aside a conviction, the applicant may not seek resentencing in another criminal case for which the conviction being set aside was used in determining an appropriate sentence.

NOTE TO COURT: Under MCL 769.16a the clerk of the court shall advise the Michigan State Police Criminal Justice Information Center of the disposition.