STATE OF MICHIGAN JUDICIAL DISTRICT JUDICIAL CIRCUIT	APPLICATION TO SET ASIDE CONVICTION(S)	CASE NO. and JUDGE ☐ This application includes multiple case numbers as listed in item 1.

ORI   **Court address**   **Court telephone no.**
MI-

Police Report No.

THE PEOPLE OF

☐ The State of Michigan

☐ _____

Use note: If you are asking to have an eligible conviction set aside under MCL 780.621(3) because the offense committed was a direct result of you being a victim of human trafficking, you must use form MC 227b.

If you are asking to have a misdemeanor marihuana conviction set aside under MCL 780.621e, you must use form MC 227a.

Defendant's name, address, and telephone no.

v

CTN/TCN	SID

Defendant's attorney, bar no., address, and telephone no.

1. I **request** that the court issue an order to set aside the conviction(s) listed below as provided by law. I consent to use of the nonpublic record created by MCL 780.623 to the extent authorized by MCL 780.623. A certified copy of each conviction is attached. Use additional sheet(s) if more space is necessary.

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

2. a. ☐ I am requesting more than one felony to be set aside. At least seven years have passed since sentence was imposed or discharge from imprisonment, probation, or parole for the convictions, whichever is later. I have not been convicted of any offense during that time.

   b. ☐ I am requesting one or more serious misdemeanor(s) to be set aside. At least five years have passed since sentence was imposed or discharge from imprisonment, probation, or parole for the conviction(s), whichever is later. I have not been convicted of any offense during that time.

   c. ☐ I am requesting a first violation operating while intoxicated offense to be set aside. At least five years* have passed since sentence was imposed or discharge from imprisonment, probation, or parole for the conviction, whichever is later. I have not been convicted of any offense during that time. I have not previously applied to have and had a first violation operating while intoxicated offense conviction set aside. *Note: the waiting period to set aside a first violation operating while intoxicated offense is three years if the application is filed on or after February 19, 2022 and before March 9, 2022.

Continued next page.

d. ☐ I am requesting only one felony to be set aside. At least five years have passed since sentence was imposed or discharge from imprisonment, probation, or parole for the conviction, whichever is later. I have not been convicted of any offense during that time.

e. ☐ I am requesting one or more misdemeanor(s) to be set aside. None of the misdemeanors are a serious misdemeanor, for an assaultive crime, or for a first violation operating while intoxicated offense. At least three years have passed since sentence was imposed or discharge from imprisonment or probation for the conviction(s), whichever is later. I have not been convicted of any offense during that time.

3. ☐ a. No other application has been filed to set aside a conviction listed in item 1.
   ☐ b. An application was previously filed to set aside the following conviction(s) listed in item 1:

CRIME	CHARGE CODE(S) MCL citation/PACC Code	DATE OF CONVICTION	CASE NUMBER	DISPOSITION

4. ☐ a. No other application has been filed to set aside any other conviction(s).
   ☐ b. An application was previously filed to set aside the following conviction(s) not listed in item 1:

CRIME	CHARGE CODE(S) MCL citation/PACC Code	DATE OF CONVICTION	CASE NUMBER	DISPOSITION

5. ☐ I have not had any convictions deferred and dismissed.   ☐ I have had the following conviction(s) deferred

and dismissed: _____

_____

6. There are no other criminal charges pending against me.

_____
Applicant Signature

Subscribed and sworn to before me on _____ .
                                        Date

_____
Deputy clerk/Notary public signature

My commission expires on _____ .
_____
Name (type or print)

Notary public, State of Michigan, County of _____ . ☐ Acting in the County of _____ .
☐ This notarial act was performed using an electronic notarization system or a remote electronic notarization platform.

The hearing cannot be held until the court receives
the Michigan State Police report required by
MCL 780.621(d)(8).

NOTICE OF HEARING

TO: Michigan Attorney General and _____
Prosecuting official

A hearing will be held on the above application to set aside conviction on _____
Date and time

at _____ before _____ .
Location   Judge

PROOF OF SERVICE

I certify that copies of this application and certified record of conviction ☐ and notice of hearing were served on the

☐ prosecuting official on _____ by first-class mail addressed to the last-known address.
Date

☐ Attorney General on _____ by first-class mail addressed to the last-known address.
Date

I certify that copies of this application, certified record of conviction, and the fingerprint card, accompanied by the required fee, were

served on the Michigan State Police on _____ by first-class mail addressed to the last-known address.
Date

I declare under the penalties of perjury that this proof of service has been examined by me and that its contents are true to
the best of my information, knowledge, and belief.

_____   _____
Date   Applicant/Attorney signature

Instructions for Filing and Serving an Application to Set Aside Conviction(s) (Form MC 227)

For additional instructions and an online interview that will help you create forms, go to michiganlegalhelp.org.

1. Determine whether you are eligible to apply to have your conviction set aside according to MCL 780.621 - MCL 780.621d.

2. You must file the application in the court where the conviction occurred. You must use a separate application for each court.

3. If you are asking to have an eligible conviction set aside under MCL 780.621(3) because the offense committed was a direct result of you being a victim of human trafficking, you must use form MC 227b. If you are asking to have a misdemeanor marihuana related conviction set aside under MCL 780.621e, you must use form MC 227a.

4. Find out the exact date of each conviction and each charge from the court. Get a certified copy of each conviction from the clerk of the court in which you were convicted and attach it to your application. There may be a fee to obtain these certified copies.

5. Swear to the truth of the statements in this application and then sign it in the presence of the court clerk or a notary public.

6. Make five copies of all attachments and this application. Take all copies to the court clerk.

7. Depending on local practice, the clerk of the court may set a hearing date at the time of filing. If a hearing date is set at the time of filing, the clerk of the court will complete the Notice of Hearing.

8. Go to the local law enforcement agency for a fingerprint card and get fingerprinted on the applicant card (RI-008). There may be a fee for fingerprinting. Fill out the card completely.

9. Make out a money order or check to the State of Michigan for the application. The application fee is $50.00. This fee is sent with the application packet to the Michigan State Police for processing.

10. Mail a copy of the application packet, application fee, and the fingerprint card to the Michigan State Police by first-class mail to Michigan State Police, Criminal Justice Information Center - Criminal History, PO Box 30266, Lansing, Michigan 48909.

11. Mail a copy of the application packet to the Attorney General of the State of Michigan by first-class mail to Office of the Attorney General, Criminal Trials and Appeals Division, PO Box 30212, Lansing, Michigan 48909.

12. Mail a copy of the application packet to the correct prosecuting official where the conviction occurred (county, city, or township) by first-class mail. See www.michiganprosecutor.org/about-us-menu/prosecutor-directory for the addresses of county prosecutors.

13. On both remaining copies of the application, fill in the Proof of Service on page 3. After you fill out and sign the Proof of Service, mail or take one of the remaining application packets with the completed Proof of Service to the court. Keep the other copy of the application packet for your records.