

<b>STATE OF MICHIGAN JUDICIAL DISTRICT JUDICIAL CIRCUIT</b>	<b>APPLICATION TO SET ASIDE MISDEMEANOR MARIHUANA CONVICTION(S)</b>	<b>CASE NO. and JUDGE</b>  <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

The State of Michigan

\_\_\_\_\_

v

Defendant's name, address, and telephone no.

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CTN/TCN	SID
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Defendant's attorney, bar no., address, and telephone no.

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 non-marihuana related misdemeanor conviction set aside under MCL 780.621, you must use form MC 227.

1. I **request** that the court issue an order to set aside the following misdemeanor marihuana conviction(s)\* as provided by law. 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 certified copy of each conviction is attached.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Applicant signature

**CERTIFICATE OF MAILING**

I served a copy of this application and certified record of conviction(s) on the prosecuting official by first-class mail addressed to their last-known address as defined by MCR 2.107(C)(3). I declare under the penalties of perjury that this certificate of mailing has been examined by me and that its contents are true to the best of my information, knowledge, and belief.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

\*Use note: Misdemeanor marihuana convictions are defined in MCL 780.621e(7)

## **Instructions for Filing and Serving an Application to Set Aside Misdemeanor Marihuana Conviction(s) (Form MC 227a)**

For additional instructions and an online interview that will help you create forms, go to [michiganlegalhelp.org](http://michiganlegalhelp.org).

1. Determine whether you are eligible to apply to have your misdemeanor marihuana conviction set aside pursuant to MCL 780.621e. Eligible convictions include violation of the following:
  - MCL 333.7403(2)(d) (possession)
  - MCL 333.7404(2)(d) (use)
  - MCL 333.7453 (selling marihuana paraphernalia)
  - Violation of a local ordinance substantially corresponding to one of the above
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 non-marihuana related misdemeanor conviction set aside under MCL 780.621, you must use form MC 227.
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. Sign and date the application.
6. Make three copies of all attachments and this application. Take all copies to the court clerk for the court where you were convicted. There should be no filing fee for filing the application.
7. 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](http://www.michiganprosecutor.org/about-us-menu/prosecutor-directory) for the addresses of county prosecutors.
8. On both remaining copies of the application, fill in the Certificate of Mailing. After you fill out and sign the Certificate of Mailing, mail or take one of the remaining application packets with the completed Certificate of Mailing to the court. Keep the other copy of the application packet for your records.
9. If an answer is filed by the prosecuting official, the court will set a hearing date and send you notice. If the prosecuting agency files a response in opposition to your application, the court must set the matter for a hearing within 30 days and mail a copy of a notice of the hearing to you. You should appear in court on the date and time set by the court.

If no answer is filed by the prosecuting agency within 60 days of the date of service of the application, the court will enter an order and mail a copy to you, the arresting agency, the prosecuting agency, and the Michigan State Police.