

SETTING ASIDE CONVICTION

Setting aside a conviction will put your case on the non-public docket. It will NOT be available to the general public. However, it will still be available to law enforcement and governmental agencies.

To view complete laws regarding Setting Aside a Conviction, visit the SCAO website at http://courts.michigan.gov/scao/selfhelp/intro/criminal/setaside_help.htm#forms. You can only set aside ONE conviction. It has to be five years or more since the date of conviction -or- five years have passed since the release date of imprisonment.

You need to get four certified copies of the Judgment of Sentence from the Clerk's Office. There will be a charge of \$14.00 for these copies. (These copies are for the Prosecutor, Attorney General, State Police and one for your records.)

Go to the Sheriff's Department and get fingerprinted on the applicant card (RI-8). (Some local police departments will do it, but you should call and check first.) Fill out the card completely.

Fill out the Application to Set Aside Conviction (**you MUST fill in your date of birth and address**) and file it with the Clerk's Office. This application MUST be signed in front of a notary public (notaries are available at the County Clerk's Office). The Clerk's Office will then give you time stamped copies and a hearing date, which will be 90 days after you file the application on the next available Wednesday. The hearing will be at 8:30 a.m. You will need to fill out two praecipe forms (used to set the hearing on the Judge's docket). You MUST send one to the Case Flow Office and one to the Prosecutor's Office.

After filing the application, you must send:

- ◆ **Attorney General** - a copy of the application to set aside conviction and Judgment of Sentence.
The address is: Attorney General's Office
Corrections Division
P.O. Box 30217
Lansing, MI 48909
- ◆ **Michigan State Police** - a copy of the application to set aside conviction, \$50.00 application fee (check or money order only) made payable to the STATE OF MICHIGAN, copy of the Judgment of Sentence and fingerprint card.
The address is: Michigan State Police
Criminal Records Division
P.O. Box 30634
Lansing, MI 48913
- ◆ **Prosecutor** - a copy of application to set aside conviction, Judgment of Sentence and praecipe.
The address is: Oakland County Prosecutor's Office
1200 N. Telegraph
Pontiac, MI 48341
- ◆ **Case Flow** - a praecipe (no later than TWO weeks prior to the hearing).
The address is: Oakland County Case Flow Office
1200 N. Telegraph
Pontiac, MI 48341

Once the application is filed with the Oakland County Clerk's Office, contact the judge's chambers assigned to your case to see if they require any additional information supporting your application.

On the day of the hearing, bring the Order Setting Aside Conviction with the top half filled out. After the hearing, if the judge signs the order, go back to the Clerk's Office and file it. *If you do not file the original order with the Clerk's Office, your case will not be given the non-public status granted by the judge.* The Clerk's Office will send copies to the District Court, the arresting agency and the State Police.