



61st District Court Worksheet

180 Ottawa Ave NW, Suite 1400
Grand Rapids MI 49503
(616) 632-5525

Court Administrator – Gary Secor
Clerk of the Court – Tanya Todd

MOTION TO SET ASIDE CONVICTIONS¹

You qualify if you have²:

- A conviction for not more than 1 offense; or
- Not more than 1 felony conviction and not more than 2 misdemeanors³ (to set aside the felony); or
- No felony convictions and no more than 2 misdemeanors (to set aside 1 or both of the misdemeanors); or
- Before 01.12.15 you were convicted of a 4th degree CSC offense and do not have more than 2 minor offenses⁴; or
- The conviction is under MCL 750.448, 750.449, or 750.450 and is a direct result to your status as a victim of human trafficking.

You do not qualify if the offense includes:

- A felony or attempted felony that is punishable by life in prison (even if the actual sentence was shorter); or
- A violation or attempted violation of second degree child abuse, including when in the presence of another child; or
- Child sexual abuse including using a computer to solicit a minor and possessing child sexually abusive material; or
- Criminal sexual conduct unless it was in the 4th degree and prior to 01.12.15; or
- Traffic offenses including operating while intoxicated; or
- A felony conviction for domestic violence if you have a previous misdemeanor conviction for domestic violence; or
- Acts of terrorism; or
- Human trafficking, other than if it is a direct result of your status as a victim of human trafficking.

If your offense(s) qualify you, then:

- You must complete all fields in MC 227 including your full name and address (make sure to sign in front of the clerk/notary).
- Make sure it has been five years since the conviction you wish to have set aside.
 - 5 years from the sentence date or the completion of any term of imprisonment/probation, whichever occurs last.
 - No time limit if you are seeking to set aside a conviction under MCL 750.448, 780.449, and 780.450 and the conviction is a direct result of being a victim of a human trafficking violation.
 - If you are filing to set aside one of these convictions then you must also provide a statement of facts supporting your contention that the conviction is a direct result of you being a victim of human trafficking.
- Make sure you have not previously applied and been denied on a petition in the last 3 years⁵.
- You must obtain a certified record of the conviction that is to be set aside.
- You must be fingerprinted and obtain a fingerprint card from the local law enforcement agency.
- You must send the required documents and \$50 fee, check payable to the state of Michigan, to the Michigan State Police (MSP).
- You must file a Proof of Service with the court verifying the Attorney General, MSP, and prosecutor⁶ have been served.

Grand Rapids City Attorney
180 Ottawa Ave NW, Suite 1200
Grand Rapids MI 49503

Kent County Prosecutor's Office
82 Ionia Ave NW, 4th Floor Criminal Division
Grand Rapids MI 49503

¹ See <http://michiganlegalhelp.org/self-help-tools/expungement/i-have-adult-criminal-conviction-i-would-set-aside-expunge>.

² Any deferred convictions (ex. 7411) are considered convictions for purposes of determining eligibility.

³ You must complete a separate application for each conviction if you are applying to have more than one conviction set aside.

⁴ Minor offense means the maximum term of imprisonment does not exceed 90 days, the maximum fine is not more than \$1,000, and the offense is committed by a person who is 21 or younger.

⁵ Unless in the order denying your petition the court specified an earlier date permitting an earlier filing of another petition.

⁶ You must send notice to the Prosecuting Attorney's Office that handled your case.