

STATE OF MICHIGAN JUDICIAL DISTRICT JUDICIAL CIRCUIT	ORDER ON APPLICATION BY HUMAN TRAFFICKING VICTIM TO SET ASIDE 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
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Instructions: An order may not be entered until receipt of the report of the Michigan State Police. Copies of the order must be sent to the Michigan State Police and the prosecuting official. See page 3 for a list of offenses in MCL 780.621c that may not be set aside.

This order should not be used with applications to set aside a conviction under MCL 780.621(1), or misdemeanor marijuana offenses under MCL 780.621e.

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.			

THE COURT FINDS:

2. The Michigan State Police has reported the required information from its records to the court.
3. The applicant has has not been convicted of more than three felonies.
4. The applicant has had no _____ No. convictions for an assaultive crime set aside under MCL 780.621 during their lifetime.
5. There are are not criminal charges pending against the applicant.
6. The applicant was convicted of a violation under MCL 750.448, MCL 750.449, MCL 750.450, or a local ordinance substantially corresponding to one of those statutes and has proven by a preponderance of the evidence that the following conviction(s) listed in item 1 is/are the direct result of his or her being a victim of human trafficking:

- 7. The applicant has not proven by a preponderance of the evidence that the following conviction(s) listed in item 1 is/are the direct result of his or her being a victim of human trafficking: _____

- 8. The following convictions listed in item 1 occurred within 24 hours and arose from the same transaction pursuant to MCL 780.621b: _____
- 9. An opportunity has been given to the Attorney General and prosecuting official to contest the application.
- 10. Circumstances and behavior of the applicant from the date of the applicant's convictions(s) to the filing of the application warrant setting aside the conviction(s), and it is consistent with the public welfare.

IT IS ORDERED:

- 11. The application is denied as to the following conviction(s) listed in item 1: _____

Applicant may file another application to have the conviction(s) above set aside

- three years after the date of this order. **OR**
- earlier than three years after the date of this order, but no sooner than _____ .
Date

- 12. The application is granted as to the following conviction(s) listed in item 1: _____

The following convictions listed in item 1 are considered one conviction pursuant to MCL 780.621b:

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 in this case. 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: An order setting aside a conviction does not relieve any obligation by the applicant 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 for 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.

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.

Convictions that May Not Be Set Aside:

MCL 780.621c prohibits the court from setting aside certain convictions as follows:

- (a) A felony for which the maximum punishment is life imprisonment or an attempt to commit a felony for which the maximum punishment is life imprisonment.
- (b) A violation or attempted violation of section 136b(3), 136d(1)(b) or (c), 145c, 145d, 520c, 520d, or 520g of the Michigan penal code, 1931 PA 328, MCL 750.136b, 750.136d, 750.145c, 750.145d, 750.520c, 750.520d, and 750.520g.
- (c) A violation or attempted violation of section 520e of the Michigan penal code, 1931 PA 328, MCL 750.520e, if the conviction occurred on or after January 12, 2015.
- (d) The following traffic offenses:
 - (i) A conviction for operating while intoxicated by any person.
 - (ii) Any traffic offense committed by an individual with an endorsement on his or her operator's or chauffeur's license to operate a commercial motor vehicle that was committed while the individual was operating the commercial motor vehicle or was in another manner a commercial motor vehicle violation.
 - (iii) Any traffic offense that causes injury or death.
- (e) A felony conviction for domestic violence, if the person has a previous misdemeanor conviction for domestic violence.
- (f) A violation of former section 462i or 462j or chapter LXVIIA or chapter LXXXIII-A of the Michigan penal code, 1931 PA 328, MCL 750.462a to 750.462h and 750.543a to 750.543z.