

MICHIGAN LEGAL HELP

Helping Michigan residents solve their legal problems

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Checklist - How to Apply to Set Aside an Adult Conviction

These instructions will help you apply to set aside an adult criminal conviction. This is sometimes called an “expungement.” These instructions will guide you through the process of applying, attending your [hearing](#), and ensuring that your record has been cleared.

Show Checklist

Step 1: Do the Interview

To determine if you are eligible to apply to have your conviction set aside, see the article [Setting Aside an Adult Conviction](#).

You will need to know what’s on your criminal record. If you are unsure, you may order a copy from Michigan’s Internet Criminal History Access Tool ([ICHAT](#)). The ICHAT record will have three columns: your arrests, your charges, and your convictions. You may also want to order a [FBI background check](#) if you are unsure whether you have any criminal convictions in other states.

Use our [Do-It-Yourself Expungement \(Adult Conviction\)](#). Do not sign the completed form until you have a notary or the court clerk witness your signature. You must have photo identification to show the [notary](#).

Step 2: Gather Your Records

You will need your fingerprints on card R 1-8 and a certified copy of your conviction to file with your application.

You may go to any local police station or Michigan State Police branch to have your fingerprints taken. You might have to pay a small fee for this. Make sure that your fingerprints are taken on the “R 1-8” fingerprint card, and that the card is accurately completed. You will need to submit the fingerprint card to the Michigan State Police along with a copy of your application.

You also must order one certified record of each of your convictions from the court clerk where you were convicted. There will be a fee for this. These

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records of your convictions may be called a judgment of sentence, an order of probation, an abstract of conviction, or a register of actions.

Step 3: Submit Your Application to the Court Clerk

Make five copies of the notarized Application to Set Aside Conviction and of your certified record of conviction. File the original and all five copies of the application and the original certified record of conviction with the court clerk. You can do this either in person or by mail. Keep the five remaining copies of the record of conviction. If you submit your application by mail, include a self-addressed stamped envelope. The clerk will add the name of the judge to each copy of the application, keep the original, and return the five copies to you. Staple a copy of the application to each record of conviction

The court will wait until the Michigan State Police has returned your criminal history report to set the hearing date. Fill out the Notice of Hearing when the hearing is scheduled.

Step 4: Serving Your Application

Send copies of your application to the prosecutor, Attorney General, and Michigan State Police immediately after filing it with the clerk.

Prosecutor: Mail one copy of your application and record of conviction to the office of the prosecutor that tried your criminal case. If you do not know the name or address of the prosecutor, ask the clerk of court where you filed your Application or see the [Michigan Prosecuting Attorney Office Directory](#) for the address.

Attorney General: Mail one copy of your application and record of conviction to the Attorney General. The Attorney General may decide to appear at your hearing to testify in support of your Application or object to it. The address for the Attorney General is

Office of the Attorney General
Corrections Division
PO Box 30217
Lansing, MI 48909

Michigan State Police: Mail one copy of your application, record of conviction, and your fingerprint card to the Michigan State Police, along with a check or money order for \$50.00, made out to the State of Michigan.

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These should be sent by first class mail to

Michigan State Police

Criminal Justice Information Center

PO Box 30634

Lansing, MI 48909

The Michigan State Police will create a criminal history report from state and federal records and will send a copy to you and the court. The court can't have a hearing until the report is returned.

 Step 5: Complete and File the **Proof of Service**

After sending your application to the prosecutor, Attorney General, and Michigan State Police, fill out the **proof of service** section at the bottom of both of the remaining copies of your Application to Set Aside Conviction. Sign and date both copies. Make sure you enter the date that you sent each application. Send one copy to the clerk of the court to show that you sent the application to all the required agencies, and keep one copy for yourself.

 Step 6: Prepare for Your Hearing

When you receive your criminal history report from the Michigan State Police, contact the clerk of the court to schedule a hearing date and ask the court how notice of the hearing will be given to the Attorney General and the prosecutor.

At your **hearing**, you need to show the judge that your conviction should be set aside. Explain how your life has been since the conviction and how making the conviction nonpublic is going to help you. Make a short list that you can quickly look over while you are in front of the judge to make sure you don't forget anything.

You may also want to bring witnesses or documents to show the judge. Witnesses should have first-hand knowledge of your positive behavior since your conviction. Examples of documents to bring include

- Your work and education history since your conviction
- Letters of recommendation from employers, churches, or community organizations
- Diplomas or certificates earned
- Substance abuse treatment program certificates
- Signed statements from witnesses explaining how you've changed
- Documents from potential employers or licensing boards that explain how setting aside your conviction will allow you to progress in your career

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To prepare for your hearing, watch the **Going to Court video**.

Step 7: Attend the Hearing

When you go to court, bring copies of your complete application, a blank copy of the Order on Application to Set Aside Conviction, any **evidence** you'd like to show the court, and any witnesses. Dress neatly and arrive 15 minutes early. Check in with the clerk when you arrive.

At your **hearing**, go to the front of the courtroom when your name is called and follow the directions of the judge. Using the list you made earlier, tell the court why the conviction should be set aside, and let the judge know if you have documents to support what you are saying. The judge will ask the Attorney General, prosecutor, or any victims if they object to setting aside your conviction and will ask them questions.

After hearing from you and any witnesses, the judge will make a decision on your application. If your conviction is set aside, the judge will complete and sign the Order on Application to Set Aside Conviction. You will be given a copy of the Order.

Ask the clerk if the court will also send a copy to the local and Michigan State Police. If not, you should send a copy to these agencies.

 Step 8: After the Hearing

One month after your conviction is set aside, your record should be clear. You can check **ICHAT** to see if your conviction is still public. If the record is still public, contact the Michigan State Police to see if it has received a copy of the order and send it again if not.

You should also clear your record with the Michigan Department of Corrections. Send a copy of the order to the following address:

Michigan Department of Corrections
206 E. Michigan Ave.
Grandview Plaza
PO Box 30003
Lansing, MI 48909