



DOCKET DIRECTIVE RE:  
Application to Set Aside Convictions

DD #:  
2023-29

Rescinds:  
2018-08

**Court Address**

Coleman A. Young Municipal Center: 2 Woodward Avenue, Suite 711, Detroit, MI 48226

**Court Telephone**  
(313) 224-5261

This Docket Directive is issued pursuant to MCL 780.621, MCL 780.622, MCL 780.772a and MCL 780.827a and sets forth the procedures for an application to set aside convictions within the Third Circuit Court.

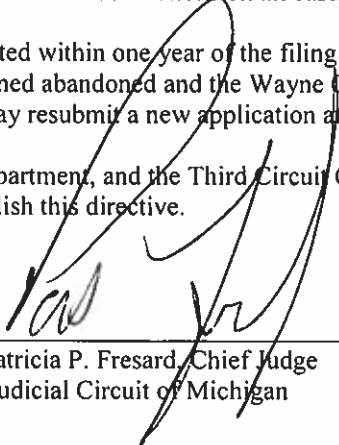
**IT IS ORDERED:**

1. The Wayne County Clerk's Office, located in the Criminal Division, shall accept applications to set aside convictions.
2. The Wayne County Clerk's Office does not determine eligibility to set aside convictions.
  - a. While some individuals are eligible to set aside convictions by application as set forth herein, individuals with certain types of misdemeanor or felony records could or will additionally qualify to have convictions set aside automatically.
  - b. On April 11, 2023, per the Michigan Clean Slate Legislation enacted in 2020, the Michigan State Police began implementing a process to automatically expunge certain convictions without an application. This program will automatically expunge qualifying, eligible convictions, using information from the criminal historical record database to determine when the proper waiting period for each conviction has elapsed. For questions and more information please visit: <https://www.michigan.gov/msp/services/chr/conviction-set-aside-public-information/michigan-clean-slate>
3. Upon receiving notice that a person seeks to explore the possibility of setting aside a conviction, the Wayne County Clerk's Office shall notify the self-represented defendant or defense counsel when the record is available.
4. Upon proof of payment, the Wayne County Clerk's Office shall provide the self-represented defendant or defense counsel with certified copies of the Sentencing Orders (Judgment of Sentence to the Wayne County Jail or Michigan Department of Corrections, Order of Probation, or Conviction and Sentence).
5. If a sentencing order cannot be located, the Wayne County Clerk's Office shall certify a copy of the Register of Actions. This certified copy of the Register of Actions shall be deemed acceptable for use in lieu of the Conviction Order for purposes of an application for order setting aside the conviction.
6. The self-represented defendant or defense counsel must comply with MCL 780.621 and submit the completed application to set aside conviction for filing, which shall include:
  - a. The case number(s) must be on the application at the time of filing.
  - b. The name of the assigned judge. In the event a successor judge has not been named, the Wayne County Clerk shall blind draw a judge to hear the application to set aside the conviction.
  - c. If the Defendant has multiple cases, the clerk's office will only assign the oldest case to the successor judge and schedule all corresponding hearings under that same judge. In the event a successor judge has not been named, the Wayne County Clerk shall blind draw the oldest case to a judge to hear the application to set aside the convictions on all cases.
7. All requirements of an Application to Set Aside Conviction must be completed within one year of the filing date. If an application remains incomplete for a year after it was filed, that application will be deemed abandoned and the Wayne County Clerk may close the application for no progress. Pursuant to MCL 780.621, the Petitioner may resubmit a new application at any time.

The Wayne County Clerk, the Third Judicial Circuit Court Case Processing Department, and the Third Circuit Court Information Technology Systems Bureau are directed to take the steps necessary to accomplish this directive.

Effective: 7/26/2023

Dated: 7/26/2023

  
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Hon. Patricia P. Fresard, Chief Judge  
Third Judicial Circuit of Michigan