



THIRD JUDICIAL CIRCUIT OF MICHIGAN

ROBERT J. COLOMBO, JR.
CHIEF JUDGE

701 COLEMAN A. YOUNG MUNICIPAL CENTER
2 WOODWARD AVENUE
DETROIT, MICHIGAN 48226-3413

(313) 224-5430

DOCKET DIRECTIVE 2018 – 08

STATE OF MICHIGAN THIRD JUDICIAL CIRCUIT

SUBJECT: Application to Set Aside Convictions

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.

This docket directive replaces and rescinds Docket Directive 2015-07.

IT IS ORDERED THAT:

Effective:

1. The Wayne County Clerk's Office, located in the Criminal Division at the Frank Murphy Hall of Justice, shall accept applications to set aside convictions.
2. The Wayne County Clerk's Office shall advise self-represented defendants of the availability of free services provided by the State Defender's Office of the Metropolitan Justice Center of Southeast Michigan and other programs which may assist the individual in making a preliminary determination of eligibility for setting aside a conviction and offer representation. These programs may create referral forms and other materials that the Wayne County Clerk's Office may distribute to assist self-represented defendants.
3. Upon receiving notice that a person seeks to explore the possibility of setting aside a conviction, the Wayne County Clerk's Office shall order the relevant case file(s) for the application to set aside the conviction, notify the self-represented defendant or defense counsel when the file(s) is (are) available, and hold the file(s) for up to six (6) months to allow for the filing of the application to set aside conviction.

4. If a file 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 file for purposes of an application for order setting aside the conviction.
5. 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-Commitment to the Wayne County Jail or Michigan Department of Corrections, Order of Probation, Conviction and Sentence and probation closure) or the certified register of actions.
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 on the application at the time of filing. In the event the case number is unknown, the Wayne County Clerk will retrieve and provide that information.
 - 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.
7. The self-represented defendant or defense counsel shall contact the courtroom clerk for the assigned judge to schedule the matter for a hearing after receipt of the required reports from the State Police and the Attorney General's Office. The courtroom clerk shall notify the appropriate parties of the scheduled hearing date.

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.



Hon. Robert J. Colombo, Jr.
Hon. Robert J. Colombo, Jr., Chief Judge
Third Judicial Circuit of Michigan

Dated: May 24, 2018