How to create an expungement application

AKA: Where the heck do I begin?

Judge Michelle Rick MI COA



Client interview

Confirm full name, including any aliases

Obtain DOB

Verify current & former addresses

Reconstruct client's understanding of past criminal contacts resulting in a criminal charge, including convictions, dismissals, set-asides, and deferrals. Are any result of being HT victim?

Determine if client has any charges pending.













ICHAT

INTERNET CRIMINAL HISTORY ACCESS TOOL

BROUGHT TO YOU BY





ABOUT



RESOURCES -

HELP



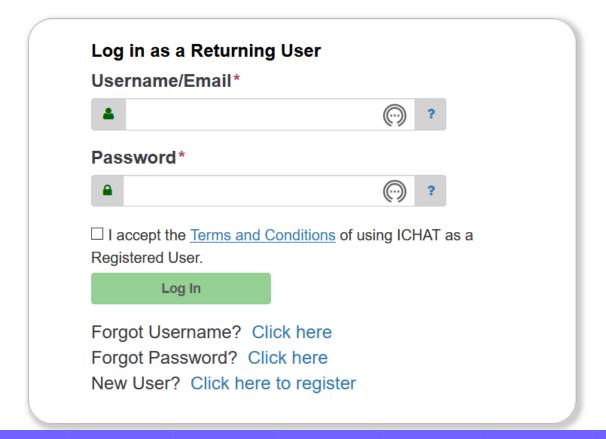


HOME ABOUT USER REGISTRATION

Log into ICHAT

You may enter your credentials, click here to register as a new user, or you may log in as a Guest User.

* = Required



| I accept the <u>Terms and Conditions</u> of using ICHAT as a Gues ser. |
|---|
| Guest Log In Retrieve Search Results |

SEARCHES - RESOURCES

Background Search

* = Required

If a SID number is used, no other information is required to be provided, (any other information entered will be removed except the reason for the sear

| Reason for Search* Select Search Reason | _ | | |
|--|-------------------------------------|--|--|
| First Name* | Middle Name | Last Name* | Suffix |
| | | | Select Suffix |
| Date of Birth* | Race* | Gender* | SID - What's This? |
| | Select Race | Select Gender | ~ |
| Additional Names>> | | | |
| Miscellaneous Number (Maxim | num number of characters left - 30) | | |
| | | individual record response, and may be uport number, etc. A social security number | used as an identifier specific to an individual for user should not be used in this field. |
| | | | |
| Submit 📜 0 Clear | | | |

BROUGHT TO YOU BY





Method

Michigan State Police ICHAT Payment Request

Welcome to the CEPAS Credit Card Processing Payment Module for the Michigan State Police ICHAT.

This process is being used as a secure means of processing credit card authorizations.

Payment may be made with a valid Discover, MasterCard, or Visa.

To begin the payment process, click on "NEXT" in the box below.



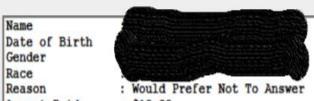
Michigan.gov Home | MSP Home | Office of Regulatory Reinvention

Contact MSP

State Web Sites | Open Michigan

Policies

Michigan News | ADA



Amount Paid : \$10.00

Order Date : 4/5/2021 12:06:27 PM

Miscellaneous No Order Number Confirmation No

A SEARCH OF MICHIGAN'S CRIMINAL HISTORY FILE HAS NOT LOCATED A CRIMINAL RECORD THAT EXACTLY MATCHES THE INFORMATION THAT YOU HAVE PROVIDED.

THIOTHWADTON PIDATACA

Name

Date of Birth

Gender Race

Reason : would Prefer Not To Answer

Amount Paid

Order Date : 3/22/2021 8:15:41 PM

: \$10.00

Miscellaneous No :

Based on the information provided, the following is a result of a search of the Michigan State Police criminal history files as of 3/22/2021 8:15:41 PM:

Important: Information Contained in this Record

THE RECORD RESULT PROVIDED IS BASED ON A DATA MATCH AS EXPLAINED
ON THE ICHAT HOME PAGE. THE ICHAT SYSTEM HAS LIMITATIONS THAT MAY CAUSE FALSE
POSITIVES OR FALSE NEGATIVES. PLEASE REVIEW THE RESULTS CAREFULLY AND DO NOT
TAKE ADVERSE ACTION BASED SOLELY ON THIS RECORD. IF YOU CANNOT DETERMINE
THESE RESULTS DO NOT BELONG TO THIS INDIVIDUAL, AND THE INDIVIDUAL IS DISPUTING
THE RECORD, PLEASE PROVIDE THAT INDIVIDUAL WITH A COPY OF THIS REPORT AND OFFER
THAT INDIVIDUAL THE OPPORTUNITY TO PERFORM A RECORD CHALLENGE BY SUBMITTING
FINGERPRINTS. THE PROCEDURES ARE EXPLAINED AT THE BOTTOM OF THIS PAGE. SINCE ARREST
CONVICTIONS, OR CRIMINAL RECORD DELETIONS MAY OCCUR AT ANY TIME, DO NOT USE THIS
INFORMATION FOR FUTURE CLEARANCES.

ADDITIONAL IDENTIFIERS AND COMMENTS: INCIDENT DATE: CRIMINAL TRACKING NUMBER: TCN/OCA: NAME USED: ARREST SEGMENT CHARGE SEGMENT JUDICIAL SEGMENT DATE: 06/22/2014 : DATE: 06/23/2014 : DATE: 08/11/2014 MI6816800 : MI680013A : MI680025J OSCODA COUNTY SHERIFF : OSCODA COUNTY : 23RD CIRCUIT COURT DEPARTMENT PROSECUTING ATTORNEY CFN: 14-001335-FH OCA: 68-1141-14 : 1 CNT MCL 750.136B5 1 CNT OF 1300 CNT-1 MCL 750.812 MISDEMEANOR CHILD ABUSE - 4TH MISDEMEANOR MISDEMEANOR ASSAULT EXCLUDING DEGREE DOMESTIC VIOLENCE SEXUAL : 1 CNT MCL 750.812 : DISP: PLED GUILTY : SENT/REMARKS: DISP: CHGD BY PROSECUTOR : MISDEMEANOR SEN- 2/06/2017 JAIL- MN DOMESTIC VIOLENCE 2 CNT MCL 750.81D1 001-000-000 MX 001-000-000 FELONY F/C/R-1075 POLICE OFFICER -ASSAULTING/RESISTING/ OBSTRUCTING CNT-3 MCL 750.81D1 1 CNT MCL 750.841B FELONY POLICE OFFICER -FELONY : ASSAULTING/RESISTING/ ASSAULT BY

| | : | : |
|--|--|---|
| DATE: 06/27/2016 MI0991500 HAMPTON TOWNSHIP DPS OCA: 16915-00571 | | : DATE: 10/20/2016 : MI090015J : 18TH CIRCUIT COURT : CFN: 16-010424-FH |
| 1 CNT OF 2000 FELONY ARSON 1 CNT OF 1300 MISDEMEANOR ASSAULT EXCLUDING SEXUAL DISP: CHGD BY PROSECUTOR | : 1 CNT MCL 750.781A1 : MISDEMEANOR : ARSON OF PERSONAL : PROPERTY-\$200 OR : MORE BUT LESS THAN : \$1,000 : 1 CNT MCL 750.81A2 : MISDEMEANOR : DOMESTIC VIOLENCE - : AGGRAVATED | : CNT-2 MCL 750.82 : FELONY : ASSAULT WITH : DANGEROUS WEAPON : DISP: PLED GUILTY : SENT/REMARKS: : SEN-12/28/2016 JAIL- MN : 000-000-365 MX : 000-000-365 36M PROB |
| DATE PRINTED:3/22/2021 | Page 2 Page 2 Page 2 Page 2 Continue With Dangerous Weapon Continue 750.84 Felony | : CNT-3 MCL 750.81A2 : MISDEMEANOR : DOMESTIC VIOLENCE - : AGGRAVATED : DISP: PLED GUILTY |

PROCEDURES FOR CORRECTING A RECORD

THE STEPS FOR CORRECTING A MISTAKEN OR INACCURATE RECORD ARE AS FOLLOWS:

1.WRONG PERSON - RECORDS THAT DO NOT BELONG TO THE INDIVIDUAL WHOSE NAME HAS BEEN SEARCHED

- IF THE INDIVIDUAL BELIEVES THAT THE RECORD DOES NOT BELONG TO HIM OR HER, THE INDIVIDUAL SHOULD GO TO THE NEAREST LAW ENFORCEMENT AGENCY AND REQUES TO BE FINGERPRINTED ON A STATE APPLICANT FINGERPRINT CARD FOR THE PURPOSE OF "RECORD CHALLENGE"; CALL AHEAD TO VERIFY FEES AND/OR SERVICE HOURS. THERE IS NO CHARGE FOR SUCH FINGERPRINTING IF IT IS DONE AT A MICHIGAN STATE POLICE POST.
- THIS CARD SHOULD BE MAILED TO THE CRIMINAL JUSTICE INFORMATION CENTER WITH A COPY OF THIS RECORD AND A LETTER REQUESTING THE CRIMINAL JUSTICE INFORMATION CENTER TO VERIFY THAT THE ENCLOSED CRIMINAL RECORD DOES NOT BELONG TO HIM/HER. THERE IS NO FEE. THE ADDRESS IS:

MICHIGAN STATE POLICE -- CJIC ATTN: RECORD CHALLENGE P.O.BOX 30634 LANSING, MI 48909

- 2.RIGHT PERSON INACCURATE, INCOMPLETE, OR OUT-OF-DATE INFORMATION
- SOMETIMES RECORDS CONTAIN REPORTING ERRORS. FOR EXAMPLE, THE NATURE OR
 DATE OF THE CONVICTION WAS REPORTED INCORRECTLY, OR THE RECORD CONTAINS A
 CONVICTION THAT SHOULD HAVE BEEN REMOVED FROM THE RECORD.
- IN SUCH CASES THE INDIVIDUAL SHOULD OBTAIN CERTIFIED COPIES OF THE COURT
 JUDGEMENT OR OTHER DOCUMENTS WHICH SHOW THAT THE INFORMATION CONTAINED ON
 THE CRIMINAL RECORD IS INCORRECT. IF THE PROOF PROVIDED IS SATISFACTORY,
 THE MICHIGAN STATE POLICE WILL MODIFY THE RECORD ACCORDINGLY.
 YOU MAY SEND THE DOCUMENTS TO:

MICHIGAN STATE POLICE -- CJIC ATTN: CRIMINAL HISTORY RECORD CORRECTION P.O.BOX 30634 LANSING, MI 48909 Assuming eligibility, what application do you file on behalf of client

Multiple felonies? (SCAO form 277)

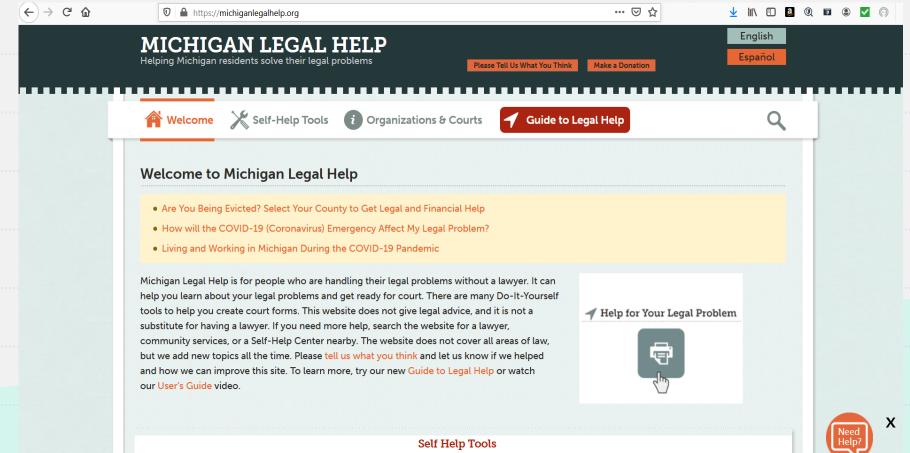
One bad night conduct? (SCAO form 277)

A mix of felonies & misdemeanors? (SCAO form 277)

Marijuana misdemeanors only? (SCAO form 277a)

Human Trafficking Victim? (SCAO form 277b)

Michigan Legal Help () @ https://michiganlegalhel



Self Help Tools



Family

Divorce, Custody, Parenting Time, Child Support, Child Protective Services, Paternity, Guardianship, Name Change, Emancipation.



Personal Safety

Domestic Violence, Stalking, Personal Protection Orders (PPO), Abuse/Neglect of Adults.



Housing

Leases, Landlord/Tenant matters, Mobile Homes, Eviction, Security Deposits, Subsidized Housing, Home Ownership, Foreclosure.



Money and Debt

Debts and Debt Collection, Garnishment, Small Claims, Financial Abuse, Installment Payment Plans and Bankruptcy.



Public Assistance

Food Stamps, Cash Assistance, Medicaid, Disability Benefits, Social Security, and others.



Income Tax

Earned Income Tax Credit, Free Tax Preparation, Innocent Spouse Relief, Tax Refund Garnishment.



Crime, Traffic, and ID

Criminal Law, Expungement, Victims' Resources, Traffic Tickets, Drivers' Licenses/IDs, ID Theft.



Employment

Unemployment Benefits, Payment for Work, Discrimination and Wrongful Termination.



Wills & Life Planning

Wills, Small Estates, Powers of Attorney, Elder Abuse, Probate Law, and Conservatorships.



Education

Special Education/Accommodations, Discipline, Student Rights, Students With Limited English.



Immigration

Family Based Immigration, Citizenship, Detention, Removal, Aslyum, Refugees, Relief through VAWA.



Farmworkers

Employment, Housing, Know-Your-Rights, and other information for migrant and seasonal farmworkers.



Going to Court

Legal rules and processes including service, evidence,



Voting and Civil Rights

Voting rights and registration, information about protections



Q: Where is the application filed? A: Each court where convictions ocurred.

Oscoda County:

- 1. 5 copies of the completed application (signature notarized)
- 2. 5 copies of Certified Conviction
- 3. Letters of community support**
- 4. Secure NOH

Bay County

- 1. 5 copies of the completed application (signature notarized)
- 2. 5 copies of Certified Conviction
- 3. Letters of community support**
- 4. Secure NOH

- Also stop by local police dept to get finger prints on RI-008 form.
- Also stop by local police dept to get finger prints on RI-008 form

Service of completed application & attachments on interested entities

Michigan State Police: Mail a copy of the application packet, application fee (\$50), and the fingerprint card to the Michigan State Police by first- class mail to Michigan State Police, Criminal Justice Information Center - Criminal History, PO Box 30266, Lansing, Michigan 48909

Local county prosecutor by first class mail

(See www.michiganprosecutor.org/about-us-menu/prosecutor-directory for the addresses of county prosecutors.)

Attorney General of the State of Michigan by first-class mail to Office of the Attorney General, Criminal Trials and Appeals Division, PO Box 30212, Lansing, Michigan 48909.

Preparing your client for the Court Hearing (with or without

1. Be on time.

- 2. Dress properly.
- 3. Even if remote, it is a Court hearing. No eating, drinking, smoking, checking one's phone, going through drive-thru...
- 4. Your client should be prepared to testify. They must be ready to convince the judge why they are entitled to an expungement.
- 5. Provide the Court with the proposed order (& copies) granting expungement.

