

## Properly “Expunging” an MDOC Record of a Vacated or an Acquitted Offense

If a person has had their conviction vacated or has been acquitted of an offense after a re-trial and would like to remove the information related to that offense from the Michigan Department of Correction files and OTIS, they must do the following:

- a. Call the MDOC Time Computation Unit at (517) 780-6874 to ensure that they have received the orders vacating or reversing the conviction or the notice of acquittal from the court.
- b. File a motion in the sentencing court asking the court to order the MDOC to remove any and all records pertaining to the offense at issue from the prisoner’s file as well as from OTIS. Ask the prosecutor to stipulate to the motion. (A sample motion is attached).
- c. Send a copy of the Order for Expungement to the MDOC’s Time Computation Unit and be sure to follow up with them until you are assured that all of the records have been removed and OTIS no longer lists information related to the offense at issue.
- d. Note: It is important to take these steps for people who remain in prison for an unrelated offense. Should the person ever go before the parole board, taking these steps will ensure that their record does not contain references to the vacated or acquitted offense. The parole board does *not* score vacated or reversed convictions or acquittals after re-trial against a person during parole guideline scoring if the person’s file also contains the orders that show the vacation or reversal of the conviction; it is better practice, however, to have the records completely expunged from the file through a stipulated motion referenced in “b” above.