

**STATE OF MICHIGAN**  
**IN WAYNE COUNTY CIRCUIT COURT**

**PEOPLE OF THE STATE OF MICHIGAN**

Plaintiff-Appellee

-vs-

**NAME**

Defendant-Appellant.

\_\_\_\_\_ /

**Court of Appeals No.**

**Lower Court No.**

**Hon.**

**STIPULATED MOTION FOR EXPUNGEMENT OF  
ACQUITTED AND VACATED CONVICTIONS FROM MDOC RECORDS**

Defendant-Appellant **NAME**, through his attorney, **NAME**, moves this Honorable Court to grant this stipulated motion stating:

1. **NAME** was originally charged with two counts of first-degree criminal sexual conduct (CSC), one count of assault with intent to commit murder, and felony-firearm.
2. On **DATE**, a jury convicted **NAME** of the two CSC counts and a lesser-included assault with intent to do great bodily harm less than murder (AGBH) count. He was acquitted of the felony-firearm charge.
3. On **DATE**, this Court granted **NAME** motion for a new trial. (Appendix A). The same day, all of **NAME** convictions were vacated and the charges reinstated. (Appendix B).

4. The case was set for a DATE retrial. The prosecution proceeded on the two CSC charges only, and on DATE, a jury acquitted NAME of those charges. (Appendix B).

5. After some confusion about whether this Court had also vacated the AGBH conviction back in DATE when it granted a new trial, the Court issued a separate order vacating NAME AGBH conviction on DATE. (Appendix C).

6. NAME is currently incarcerated on an unrelated conviction of assault with intent to rob while unarmed, Lower Court No., in which he was sentenced to 1 to 15 years. NAME is up for parole review for that offense in DATE. (Personal communication with NAME from MDOC's Time Computation Unit, DATE).

7. The MDOC has received notice of NAME acquittal for the CSC charges and has received the order vacating the AGBH conviction and has coded those convictions as "convictions reversed by court." (Personal communication with NAME from MDOC's Time Computation Unit, DATE).

8. But, NAME MDOC prison file still contains case documents related to the acquitted and vacated convictions. Case documents related to those convictions will not be removed from his MDOC file, and therefore, will be made available to the parole board during the review process unless the MDOC receives an order from this Court to expunge those records from his prison file. (Personal communication with NAME from MDOC's Time Computation Unit, DATE).

9. **WHEREFORE**, for the reasons stated, Defendant-Appellant **NAME** respectfully asks that this Honorable Court issue an order directing the MDOC to

expunge any and all records related to his acquitted and vacated convictions from his prison records.

Respectfully submitted,

**STATE APPELLATE DEFENDER OFFICE**

BY: \_\_\_\_\_

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Stipulated by,

**WAYNE COUNTY PROSECUTOR'S OFFICE**

BY: \_\_\_\_\_

**Assistant Prosecuting Attorney**  
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Date: