

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellant,

v

DAVID LADIN ORR,

Defendant-Appellee.

UNPUBLISHED

December 19, 1997

No. 201715

Oakland Circuit Court

LC No. 81-051579 FY

Before: MacKenzie, P.J., and Hood and Hoekstra, JJ.

PER CURIAM.

The Oakland County Prosecutor appeals as of right an order of the Oakland Circuit Court, granting defendant's motion to expunge his convictions of false pretenses over \$100, MCL 750.218; MSA 28.415, and of engaging in the business of private detective without first obtaining a license, MCL 338.823; MSA 18.184(3). Those convictions had been previously affirmed in an appeal as of right, Docket No. 77601 (unpublished opinion of the Court, issued 1/10/86), and defendant's subsequent effort to have his sentences vacated was also rejected by this Court in Docket No. 95027 (application for leave to appeal denied 9/22/86). In both prior appeals, the Supreme Court denied further review. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Since *People v Hanrahan*, 75 Mich 611, 619; 42 NW 1124 (1889), and thereafter, *People v Chimovitz*, 237 Mich 247, 250; 211 NW 650 (1927), "offense" and "crime" have been synonymous. The expunction statute, MCL 780.621(1); MSA 28.1274(101)(1), precludes expunction for any person convicted of more than one "offense." The statute does not condition the availability of the remedy on the number of criminal acts perpetrated, but on the number of "offenses", which is here synonymous with "crimes" or "convictions." This Court so construed the expunction statute in *People v McCullough*, 221 Mich App 253, 257-258; 561 NW2d 114 (1997), which expressly rejected the original rationale used by the trial court in this case to grant defendant his requested relief. *McCullough* was brought to the circuit court's attention on motion for rehearing, and the circuit court is reminded that, while it need not agree with decisions of this Court, it is bound to follow such precedents and to conform all its actual orders and other decisions thereto. *Matter of Hague*, 412 Mich 532, 552-553;

315 NW2d 524 (1982), citing *Hackett v Ferndale City Clerk*, 1 Mich App 6, 11; 133 NW2d 221 (1965).

Reversed and remanded for further proceedings consistent with this opinion. We do not retain jurisdiction.

/s/ Barbara B. MacKenzie

/s/ Harold Hood

/s/ Joel P. Hoekstra