

Court of Appeals, State of Michigan

ORDER

People of MI v Diane Chapman

Docket No. 283627

LC No. 94-003335-FH

Richard A. Bandstra
Presiding Judge

David H. Sawyer

William B. Murphy
Judges

Pursuant to MCR 7.205(D)(2), in lieu of granting the application for leave to appeal, the Court PEREMPTORILY REVERSES the trial court's decision to set aside the 1995 welfare fraud conviction. A person convicted "of not more than 1 offense" may apply to set aside the conviction. MCL 780.621(1). The term "offense" is not limited to felonies; it also includes misdemeanor offenses. *People v Grier*, 239 Mich App 521, 523; 608 NW2d 821 (2000). A conviction for a traffic offense constitutes an offense for purposes of MCR 780.621 and a subsequent conviction for a traffic offense precludes the setting aside and expungement of a prior conviction. *People v Bosma*, 186 Mich App 556, 558-560; 465 NW2d 24 (1990). In addition to her 1995 welfare fraud conviction, defendant was convicted in 1996 and 2000 of driving on a suspended license, a misdemeanor offense. MCL 257.904(3). Consequently, she was not eligible for expungement and the trial court erred in setting aside the conviction. This matter is REMANDED to the trial court for REINSTATEMENT of defendant's conviction. This order has immediate effect. MCR 7.215(F)(2). The Court does not retain jurisdiction.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

APR - 9 2008

Date

Sandra Schultz Mengel
Chief Clerk