

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellant,

v

MONICA SIMMONS,

Defendant-Appellee.

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UNPUBLISHED

June 27, 2000

No. 221638

Oakland Circuit Court

LC No. 93-128574-FH

Before: Hoekstra, P.J., and Holbrook, Jr., and Zahra, JJ.

MEMORANDUM.

The prosecutor appeals as of right from a circuit court order setting aside defendant's convictions pursuant to MCL 780.621; MSA 28.1274(101). We vacate the circuit court's order. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Defendant filed an application in the circuit court to set aside (expunge) her convictions of conspiracy to commit false pretenses over \$100, MCL 750.157a; MSA 28.354(1), MCL 750.218; MSA 28.415, attempted false pretenses, MCL 750.92; MSA 28.287, MCL 750.218; MSA 28.415, and possession of a fraudulent financial transaction device, MCL 750.157n(2); MSA 28.354(14)(2). The expungement statute clearly provides that expungement is available only to persons who are "convicted of not more than 1 offense....". MCL 780.62(1); MSA 28.1274(101)(1). Because defendant was convicted of more than one offense, she was not eligible for expungement of any conviction. *People v Grier*, 239 Mich App 522-523; 608 NW2d 821 (2000); *People v McCullough*, 221 Mich App 253; 561 NW2d 114 (1997).

The circuit court's order setting aside defendant's convictions is vacated.

/s/ Joel P. Hoekstra

/s/ Donald E. Holbrook, Jr.

/s/ Brian K. Zahra