

# Practice Makes Perfect



## Fingerprints

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Fingerprints. Nearly everyone has them, and no two are the same (actually, the odds are 1 in 64 billion, or something like that). And if your client is arrested, the police will no doubt scan your client's prints into a machine (or take ink impressions of them) in order to track the fact that your client was arrested for something and begin the creation of a computerized criminal history (CCH) for your client.

To once again answer the question begged by that first paragraph, no, your client usually can't get them back or have them destroyed. In early 2009, the State Court Administrative Office ("SCAO") finally revised MC 235 to accurately reflect the law in this area. In fact, the new form is actually two forms. The first is the actual motion and notice of hearing (MC 235),

whereas the second is the final order (MC 392). The motion form finally has most of the correct statutory language for the applicant to check off, and the proof of service will (hopefully) ensure that the prosecuting official is served before a judge or court clerk actually processes the motion.

So remember, be sure to use the 2009 version of MC 235 when you file a motion for destruction of fingerprints, and also be sure that your client was acquitted of the charge (or was arrested but never charged in the first place). A dismissal is not enough.

For more information, go to [www.macombbar.org](http://www.macombbar.org) to read my Bar Briefs article from October 2007 (go to the Publications section and click on Archived Bar Briefs), or review the SCAO proceedings and related documents at <http://courts.michigan.gov/scao/courtforms/publish.htm>.