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Motion and Order of Nolle Prosequi — People v. Michael Foster

Case No. 25-11296-FH · entered May 9, 2025 · Delta County, Michigan

Form: MC 263 (6/19) — Motion/Order of Nolle Prosequi
Court: 47th Circuit Court, 47th Judicial Circuit, Delta County
Case No.: 25-11296-FH **ORI:** MI210025J **Police Report No.:** UPT 329-24
Defendant: MICHAEL FOSTER **CTN/TCN:** 21-24001680-01
Court address: 310 Ludington St., Escanaba, MI 49829 **Telephone:** (906) 789-5103

COUNT	CRIME	CHARGE CODE (MCL CITATION)
1	Controlled Substance — Delivery/Manufacture — Methamphetamine	333.7401
2	Controlled Substance — Delivery/Manufacture (Cocaine, Heroin or Another Narcotic) Less Than 50 Grams	333.7401(2)(a)(iv)
—	Habitual Offender — Fourth Offense Notice	769.12

Defendant identifiers: SID blank on the form as received; DOB entered as "See Ref. No. 1" rather than a date. Ref. No. 1 was not produced in this FOIA response.

Motion

Lauren M. Wickman, prosecuting official, moves for a nolle prosequi in this case for the following reason(s):

> **"*Federal authorities have indicated Defendant on the same conduct.*"**

Dated May 9, 2025. Signed Lauren M. Wickman, Prosecuting Official, P79974.

Order

IT IS ORDERED:

☒ **1. Motion for nolle prosequi is granted and the case is dismissed without prejudice.**
☐ 2. Motion for nolle prosequi is granted as to the following charge(s), which are dismissed without prejudice:
☐ 3. Motion for nolle prosequi is denied.
☐ 4. Defendant/Juvenile shall be immediately discharged from confinement in this case.
☐ 5. Bond is canceled and shall be returned after costs are deducted.
☐ 6. Bond is continued on the remaining charge(s).
☐ 7. The Michigan State Police and arresting agency shall destroy the arrest record, biometric data, and, as applicable, DNA profile for the dismissed charge(s). The Michigan State Police shall also remove any LEIN entry concerning any dismissed charge(s).

Dated 5-9-25. Judge's signature on the form as received.

Form footer: "If item 1 or 2 is checked, the clerk of the court shall provide a copy of this order to the Michigan State Police." Authorities cited on the form: MCL 28.243, MCL 764.26a, MCL 767.29, MCL 769.16a, MCR 3.936(D).

Note on this document. The stated ground for dismissal is a bare assertion that federal authorities "have indicated" the defendant on the same conduct. The motion gives no federal district, no federal case number, no charging document and no date. The dismissal is *without prejudice*, which leaves the state charges revivable within the limitations period. Item 7, which would have directed destruction of the arrest record, biometric data, DNA profile and LEIN entry, is **not** checked; item 1, the dismissal itself, is the only box marked.