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IN THE CIRCUIT COURT OF THE STATE OF OREGON

FOR THE COUNTY OF

STATE OF OREGON,	)	No. _____
	)	
Plaintiff,	)	MOTION TO SET ASIDE CONVICTION
	)	AND RECORDS OF ARREST
vs.	)	
	)	
_____	)	
	)	
Defendant.	)	

COME NOW the Defendant respectfully moves this court for an order to set the conviction in the above matter pursuant to ORS 137.225. This motion is well founded in law and is made in good faith.

Full Name: \_\_\_\_\_ Date of Birth: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_ Phone No: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
Arresting Agency: \_\_\_\_\_ Arrest Date: \_\_\_\_\_ Conviction date: \_\_\_\_\_  
Convicted Charges: \_\_\_\_\_

Dated this \_\_\_\_\_ of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Signature of defendant

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IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR THE COUNTY OF

STATE OF OREGON,	)	No. _____
	)	
Plaintiff,	)	AFFIDAVIT IN SUPPORT OF MOTION TO
	)	SET ASIDE CONVICTION AND RECORDS
vs.	)	OF ARREST
	)	
_____	)	
	)	
Defendant.	)	

AFFIDAVIT

I, \_\_\_\_\_, hereby swear or affirm that I am the defendant in the above-entitled matter and that the following is true and submitted in support of my motion to set aside the above-described conviction:

- 1. My conviction is for one of the offenses which ORS 137.225 allows to be set aside;
- 2. At least three (3) years have passed since the date of my conviction. If I was convicted of a Class B felony, at least twenty (20) years have passed since my conviction or release from imprisonment (whichever is later) and I have not been arrested for or convicted of any other offense since my conviction;
- 3. I have not been convicted of any other felony, misdemeanor, or violation level offense (other than traffic violations or one (1) non-traffic violation) within the ten (10) year period immediately preceding the filing of this motion;
- 4. I fully complied with and performed the sentence of the court, including payment of all financial obligations;
- 5. If my probation was revoked, at least ten (10) years have passed since the date of my probation revocation;
- 6. I have not previously had any other conviction set aside which had a conviction date in the ten (10) year period immediately preceding the filing of this motion;
- 7. I have no pending charges (other than traffic violations) in any court; and
- 8. I understand that if my conviction involved a victim, the District Attorney will notify the victim of this motion.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

SIGNED AND SWORN TO BEFORE ME on \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public of Oregon  
My commission expires: \_\_\_\_\_

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3 IN THE CIRCUIT COURT FOR THE STATE OF OREGON  
4 FOR THE COUNTY OF \_\_\_\_\_

5 STATE OF OREGON,

6 Plaintiff,

7 vs.

8 \_\_\_\_\_,  
9 Defendant.

)  
)  
)  
)  
)  
)  
)

No. \_\_\_\_\_

ORDER SETTING ASIDE CONVICTION  
AND RECORDS OF ARREST

10 THIS MATTER having come before the Court upon the Motion of the defendant for an  
11 Order Setting Aside the Conviction and Records of Arrest, pursuant to ORS 137.225, and the  
12 Court having reviewed the records and file herein, and now being fully advised, the Court finds  
13 as follows:

14 1.) That the defendant was arrested and convicted as follows:

15 Original Arrest Date: \_\_\_\_\_

16 Original Arrest Charge: \_\_\_\_\_

17 Arresting Agency: \_\_\_\_\_

18 Date of Conviction: \_\_\_\_\_

19 Conviction Charge: \_\_\_\_\_

20 2.) That positive identification of the defendant has been established as follows:

21 FBI Identification Number: \_\_\_\_\_

22 Oregon State Identification Number: \_\_\_\_\_

23 Arresting Agency Number: \_\_\_\_\_

24 3.) That the circumstances and behavior of the defendant since the date of conviction  
25 are found to warrant setting aside records of that conviction and arrest;  
26

1           4.)     That the defendant has fully complied with and performed all provisions of the  
2                 sentence herein.

3           IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the defendant's  
4 conviction and arrest herein should be and the same is set aside, pursuant to

5           ORS 137.225, and hereafter the defendant, for all purposes of the law, shall be deemed  
6 not to have been previously convicted or arrested.

7           IT IS FURTHER ORDERED that the Clerk of the Court shall forward a certified copy of  
8 this Order to all law enforcement agencies mentioned in the Court's file, including the following:

- 9                 a) Federal Bureau of Investigation,  
10                b) Oregon State Police,  
11                c) Oregon State corrections Division,  
12                d) Arresting Agency.

13          IT IS FURTHER ORDERED that thereafter the record of conviction and arrest shall be  
14 sealed together with all other official records in this case, including investigation reports of the  
15 involved law enforcement agencies concerning the criminal episode.