

**In the Circuit Court for the State of Oregon
For the County of Lincoln, 17TH Judicial District**

State of Oregon,
Plaintiff

CASE # _____

v.

**MOTION TO SET ASIDE
RECORD OF ARREST**

_____,
Defendant.

The above named defendant hereby moves the Court for an Order Setting Aside the Arrest herein and sealing official records in this case, including the records of arrest pursuant to the provisions of ORS 137.225.

This Motion is based upon the record herein and upon the facts set forth in the attached Affidavit.

Dated: _____

Defendant's Signature

Defendant's Name

Address

City / State / Zip

Telephone Number

**In the Circuit Court for the State of Oregon
For the County of Lincoln, 17TH Judicial District**

State of Oregon,
Plaintiff

CASE # _____

v.

**AFFIDAVIT IN SUPPORT OF MOTION
TO SET ASIDE ARREST**

_____,
Defendant.

STATE OF OREGON)
) SS.
County of Lincoln)

I, _____ do hereby depose and say:
Defendant's Name

1. I am the defendant herein, and I am filing this Affidavit in Support of my Motion to Set Aside Record of Arrest pursuant to ORS 137.225;
2. This arrest occurred more than three years ago;
3. I have no criminal cases presently pending against me in any Court;
4. I have had no other criminal convictions in the ten-year period immediately preceding the filing of this motion;
5. I have not had another conviction set aside within the ten-year period immediately preceding the filing of this motion;
6. I have fully complied with and performed all provisions of the sentence herein;
7. I served a copy of the Motion, Affidavit and Order to set aside arrest and a full set of my fingerprints on the Lincoln County District Attorney's Office on _____.

Dated: _____

Defendant's Signature

SUBSCRIBED AND SWORN to before me this _____ of _____, 20 _____

Notary Public
My Commission Expires: _____

**In the Circuit Court for the State of Oregon
For the County of Lincoln, 17TH Judicial District**

State of Oregon,
Plaintiff

CASE # _____

v.

**ORDER SETTING ASIDE
ARREST RECORD**

_____,
Defendant.

THIS MATTER having come before the Court upon the motion of the Defendant for an Order Setting Aside the Record of Arrest, pursuant to ORS 137.225, and the Court having reviewed the record and file herein, and now being fully advised, the Court hereby finds as follows:

1. That the defendant was arrested herein as follows:

Original Arrest Date:	
Arresting Agency:	
Original Arrest Charge:	

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

FBI Identification Number:	
Oregon State Certification Number:	
Arresting Agency Number:	

3. That the circumstances and behavior of the defendant since the date of arrest are found to warrant setting aside records of that arrest.

IT IS HEREBY ADJUDGED AND DECREED that the defendant's arrest herein should be and the same hereby is set aside, pursuant to ORS 137.225, and hereafter the defendant, for all purposes of the law, shall be deemed not to have been previously arrested.

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

- a) The Federal Bureau of Investigation,
- b) The Oregon State Police,
- c) The Oregon State Corrections Division,
- d) The arresting Agency.

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