

PACKET B: Arrested and charged in Court but later dismissed or acquitted of charge(s)

Things you will need to complete this process:

- The necessary forms to request this action
- A complete set of your fingerprints

PRIOR TO FILING

Forms - You may use these forms as examples to either create or purchase your own, or you may use these as your forms to file your request. There should be five forms in the packet: the Motion, the Affidavit, the Order, Certificate of Document Preparation, and Certificate of Mailing. This packet is also available for purchase at the Tillamook County Courthouse, Circuit Court window.

You need to complete the forms and have your signature notarized on the Affidavit. The clerk can witness your signature on the Affidavit. Do not sign the Affidavit until you are in the presence of a Notary or the Clerk. Complete all the information on the Motion and the Affidavit, but complete only your name portion of the Order. You already have a case number. Use the case number in the previously filed criminal case on your forms.

Fingerprints - You will need a complete set of your fingerprints. Information on getting your fingerprints taken is on the last page of this information packet.

Copies - In addition to the original forms that you will file with the Court, you are required to serve (give) the District Attorney's Office with a copy of the Motion, Affidavit, and Order that you are filing with the Court. So, when you have completed the forms, make a copy of the Motion, Affidavit and Order. You may wish to make a copy for yourself as you will be filing the originals with the Court.

Service on the DA - When you have a complete set of your fingerprints, completed the forms, and made copies, take the District Attorney copies to their office located in the Tillamook County Courthouse on the third floor. With their copies, also provide the set of your fingerprints.

FILING YOUR PAPERS

Because your case was dismissed or acquitted you will not have to pay a filing fee. Submit your documents to the Tillamook Circuit Court, or by mail to: Tillamook Circuit Court, 201 Laurel Ave, Tillamook, Oregon, 97141. Make sure that you have completed all the blanks on the Motion and the Affidavit, including your case number, and have filled in your name on the Order form. Make sure that you have signed and have had your signature witnessed on the Affidavit.

WHAT HAPPENS NOW?

The District Attorney has a right to object to your request to have the records of your arrest set aside. They will send your fingerprints to the State Identification Bureau to confirm your identity and to see if there have been any other incidents that would cause them to want to object to your request. When the State Identification Bureau has completed their investigation, they will send the

results back to the District Attorney and the Court, (this process can take up to 90 days to complete). The Court will then decide, based on the information, whether to grant or deny your request. If the Court grants your request, a Judge will sign the Order that you submitted. Certified copies will be sent to those agencies that have your arrest records and also to you. The Court will also order the Court's file which contains your request be sealed. If the Court denies your request, a notice will be sent to you advising you that your request was denied.

Fingerprints - Fingerprinting is done at the Tillamook County Sheriff's Office at 5995 Long Prairie Road, Tillamook, Oregon, 97141. There is a \$25 fee. Please bring with you one piece of picture ID.

If you are having your fingerprints taken to comply with Sections B of this process, the fingerprint card should contain the notation in the REASON FINGERPRINTED section, "Motion for setting aside arrest record."

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

State of Oregon.

Plaintiff;

Case No. _____
Motion to Set Aside Records
of Arrest

v.

Defendant.

Comes now the Defendant in this matter, and respectfully moves the Court for an Order setting aside and sealing the arrest records of the Defendant.

This Motion is based upon the record herein and upon the attached Affidavit.

AUTHORITY
ORS 137.225

Signature of Defendant

Defendant's Date of Birth:

Defendant's Mailing Address

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

State of Oregon,

Plaintiff,

Case No. _____

v.

Affidavit in Support of Motion to
Set Aside Records of Arrest

_____,
STATE OF OREGON) Defendant.

) ss

COUNTY OF TILLAMOOK)

I, _____, do hereby depose and say that:

I am the Defendant herein, and I am filing this Affidavit in Support of my Motion to Set Aside and to seal the records of my arrest.

I have been acquitted of all charges contained in this case or they have been dismissed by the Court.

My acquittal on these charges and/or their dismissal by the Court resolves all of the charges that I am requesting to have set aside.

I have no criminal cases presently pending against me in any court. I have no criminal convictions in the ten (10) year period immediately preceding the filing of this motion, excluding motor vehicles violations.

I have not had a conviction set aside within the ten (10) year period immediately preceding the filing of this Motion and have no other similar motions pending in this or any other court.

I have not been arrested for any other matter unassociated with this matter within the last three (3) years immediately preceding the filing of this motion, excluding motor vehicles violations.

A copy of this Affidavit and a copy of my Motion to Set Aside and Seal Records of Arrest have been served upon the District Attorney of Tillamook County.

A complete set of my fingerprints has been served on the District Atty of Tillamook County.

The arrest that I am seeking to have set aside occurred on _____.

The charge(s) that I was arrested for on the above date were _____

Arresting agency and incident number (if known): _____.

Dated this _____ day of _____, _____.

Signature of Defendant

SUBSCRIBED AND SWORN TO before me this _____ day of _____, _____.

Notary Public of Oregon/Deputy Clerk of Court
My Commission Expires: _____

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

State of Oregon,

Plaintiff,

v.

_____,
Defendant.

Case No. _____

ORDER TO SET ASIDE AND
SEAL RECORDS OF ARREST

THIS MATTER having come before the Court upon the Motion of the Defendant for an Order Setting Aside and Sealing Records of Arrest, pursuant to ORS 137.225; the State of Oregon appearing by and through the District Attorney for Tillamook County and the Court having reviewed the records and being fully advised, finds as follows:

1. A copy of the Motion to Set Aside, Affidavit in Support and a complete set of the defendant's fingerprints were served upon the District Attorney for Tillamook County.
2. The Oregon State Police Bureau of Identification and Information has made positive identification of this defendant and further identified this defendant by:

FBI Identification Number: _____

Oregon State Bureau Number: _____

Submitting Agency Number: _____

Arrested on Charges of: _____

NOW THEREFORE IT IS HEREBY ORDERED that the Defendant's arrest of _____ be, and the same is, hereby set aside and the Defendant herein is deemed not to have previously been arrested of said crime; and

IT IS FURTHER ORDERED that the record of arrest maintained by any law enforcement agency regarding the Defendant and the alleged criminal episode contained herein be, and the same is, hereby set aside and the Defendant herein is deemed not to have previously been arrested for said crime; and

IT IS FURTHER ORDERED, that the Clerk of the Court shall forward a certified copy of this order to all appropriate criminal justice agencies.

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

IT IS SO ORDERED this _____ day of _____,

Judge

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

State of Oregon,

Plaintiff,

Case No. _____

**CERTIFICATE OF DOCUMENT
PREPARATION**

_____,
Defendant.

You are required to truthfully complete this certificate regarding the documents you are filing with the court.

Check all boxes and complete all blanks that apply:

- ☐ I selected these documents for myself, and I completed them without paid assistance.
- ☐ I paid or will pay money to _____ for assistance in preparing this document.

Dated: _____, 20____.

Signature

Print Name

Address or Contact Address

City, State, Zip

Telephone or Contact Telephone

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

State of Oregon,

Plaintiff,

Case No. _____

CERTIFICATE OF SERVICE

_____,
Defendant.

STATE OF OREGON

COUNTY OF TILLAMOOK

I, _____, do hereby certify that I have served
the foregoing Motion to Set Aside Records of Arrest, Affidavit in Support of Motion to Set
Aside Records of Arrest, Order to Set Aside and Seal Records of Arrest, and an original full set
of defendant's fingerprints on the following party:

TILLAMOOK COUNTY DISTRICT ATTORNEY'S OFFICE by delivering copies to:

Tillamook County District Attorney, Tillamook County Courthouse, 201 Laurel Ave,
Tillamook, Oregon 97141 on ____ day of _____, 20__.

Dated this ____ day of _____, 20__.

Signature of Defendant