

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

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

STATE OF OREGON,	)	No. _____
	)	
Plaintiff,	)	
	)	MOTION FOR AN ORDER SETTING
vs.	)	ASIDE RECORD OF ARREST
	)	
	)	
_____	)	
Defendant.	)	

COME NOW the Defendant respectfully moves this court for an order to set aside the arrest 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: \_\_\_\_\_  
Arrest Charges: \_\_\_\_\_  
Dated this \_\_\_\_\_ of \_\_\_\_\_, \_\_\_\_\_.

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

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

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

STATE OF OREGON,	)	No. _____
	)	
Plaintiff,	)	AFFIDAVIT FOR AN ORDER SETTING
	)	ASIDE RECORD OF ARREST
vs.	)	
	)	
	)	
_____	)	
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 arrest:

- 1. At least one (1) year has passed since the date of my arrest and no formal written complaint or other accusatory instrument has been filed against me, or I have been found not guilty or acquitted of the charge(s), or the charges have been dismissed;
- 2. I have not been arrested for any other offense within the three (3) year period immediately preceding the filing of this motion;
- 3. I have no convictions in any court for any felony, misdemeanor, or violation level offense within the last ten (10) years (other than traffic violations or one (1) non-traffic violation);
- 4. I have not previously had any conviction set aside which had a conviction date in the ten (10) year period immediately preceding the filing of this motion; and
- 5. I have no pending charges (other than traffic violations) in any court.

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

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

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

IN THE CIRCUIT COURT OF THE STATE OF OREGON

FOR THE COUNTY OF

STATE OF OREGON,

Plaintiff,

vs.

\_\_\_\_\_,'

Defendant

) Case No.: \_\_\_\_\_  
)  
) ORDER SETTING ASIDE ARREST RECORD  
)  
)  
)  
)  
)  
)  
)

THIS MATTER having come before the Court upon the Motion of the defendant for an Order Setting Aside all official records of this case pursuant to ORS 137.225; and the Court having reviewed the records and file herein, and now being fully advised, the Court hereby finds as follows:

1.) That the defendant was arrested as follows:

Original Arrest Date:

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

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

Date of Dismissal or Acquittal: \_\_\_\_\_

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

FBI Identification Number:

Oregon State Identification Number:

Arresting Agency Number:

1           3.) That the circumstances and behavior of the defendant since the  
2           date of arrest are found to warrant setting aside the arrest records;

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

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

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

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

18  
19                                   DATED this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

20  
21                                   \_\_\_\_\_  
22                                   Circuit Court Judge  
23  
24  
25  
26