

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

STATE OF OREGON

Plaintiff

vs.

Case Number: _____

**MOTION TO SET ASIDE AND
SEAL CONVICTION**

Type Defendant name **Defendant**

The above named defendant moves the Court for an Order Setting Aside and Sealing the CONVICTION in the following matter.

Full Name: _____

Date of Birth: _____

Arrest Charge: _____

Date of Arrest: _____ Arresting Agency: _____

Conviction Charge: _____

Disposition: _____ Sentencing Date: _____

This Motion is based on ORS 137.225, the records and files contained herein, and the attached affidavit.

Signature

Date signed

Prepared by:

Name: _____

Address 1: _____

Address 2: _____

City: _____ **State:** _____ **Zip Code:** _____

Phone: _____

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

STATE OF OREGON

Plaintiff

vs

Defendant

Case Number: _____

ORDER TO SET ASIDE AND SEAL CONVICTION

The above named defendant moves the Court for an Order to Set Aside and Seal **CONVICTION** in the following matter.

Full Name: _____ Date of Birth: _____

Arrest Charge: _____

Date of Arrest: _____ Arresting Agency: _____

Conviction Charge: _____

Disposition: _____ Sentencing Date: _____

The Court, being fully advised, makes the following findings of fact:

1. A certified copy of the defendant's Motion was served on the District Attorney, who has declined the opportunity to contest the Motion.
2. The circumstances and behavior of the Defendant from the date of conviction warrant setting aside the conviction.
3. Positive identification of the defendant has been established by Dept. of the State Police Bureau of identification as provided to the Curry County District Attorney office.

IT IS ORDERED that:

1. The above **CONVICTION** is set aside.
2. The arrest, conviction and other proceedings are deemed not to have occurred, and the defendant may accordingly answer any questions relating to their occurrence as if they had not occurred, unless defendant is legitimately compelled to make such disclosures.
3. The record of conviction and any other official records in the case, including the records of arrest resulting in the criminal proceedings, be sealed.
4. The Clerk of the Court is directed to send a copy of this Order to the arresting agency named above and the Central Bureau of Criminal Investigation of the Department of State Police. The public agencies receiving a copy of this Order shall seal their records and order the arresting agency to seal its records. The Central Bureau of Criminal Investigation of the Department of State Police shall request the return of arrest date, including fingerprints from the Federal Bureau of Investigation.

ALLOW _____

DENY _____

Date

Circuit Court Judge

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

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**AFFIDAVIT IN SUPPORT OF MOTION
TO SET ASIDE AND SEAL CONVICTION**

I, _____, being first duly sworn on oath, depose and say:

1. That I am the defendant in the above entitled matter. I submit this affidavit in support of the attached Motion to Set Aside and Seal Conviction;
2. The information pertaining to this matter as set out in the Motion is true to the best of my knowledge and belief;
3. More than three (3) years have elapsed since the date of pronouncement of judgment;
4. I have fully complied with and performed the sentence of the Court.
5. I have not been convicted of or arrested for an offense punishable as a felony, misdemeanor or violation, except as specified herein: _____.
6. I do not have any criminal charges pending against me at this time.
7. I have not previously had a conviction set aside by order of the Court.

Defendant's Signature

SUBSCRIBED AND SWORN TO BEFORE ME ON _____ in Curry
County, Oregon. DATE

Trial Court Administrator

By: _____
Court Clerk/Notary Public

My commission expires: _____