

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

State of Oregon

Case No: _____
(leave blank if no court case)

Plaintiff

vs

**MOTION TO SET ASIDE AND SEAL
AND
DECLARATION OF ELIGIBILITY**

Defendant

DOB: _____

No Filing Fee

SID# if known: _____

Citing/arresting law enforcement agency: _____
(Example: Salem Police Dept. or Coos County Sheriff)

Arrest Date: _____
(If no arrest date, list date of citation, booking, or incident)

Fingerprint number (FPN #) if known: _____

ELGIBILITY STATEMENT AND LEGAL BASIS

I am eligible and move for a set aside of my record because the following is true (**check one option only**):

Option 1: ☐ There was a court case, and **I was convicted on at least one charge** (or found guilty except for insanity (GEI) or in contempt of court), and:

☐ I believe all the charges in this case are eligible, and I am moving to set aside all charges, including charges which were dismissed or acquitted

or

☐ Not all the charges on this case are eligible. I am moving to set aside only the following charges:

| Name of Charges | Count # |
|-----------------|---------|
| | |
| | |
| | |
| | |
| | |

☐ I have additional charges to provide, and they are attached on a separate page

Option 2: ☐ There was a court case, and I am not moving to set aside any convictions. I am moving to set aside all eligible **dismissed or acquitted charges only**.

Option 3: ☐ I was **cited or arrested** and there was **no court case**. I am moving to set aside the citation or arrest records.

| Name of Citation/Arrest Offenses |
|----------------------------------|
| • |
| • |
| • |

| |
|---|
| • |
| • |

☐ I have additional offenses to provide, and they are attached on a separate page

DECLARATION OF ELIGIBILITY

These 4 statements must be true to be eligible. Check all that apply:

- ☐ I have waited the required period under law to file this *Motion*
- ☐ I believe I am legally eligible for a set aside
- ☐ I have filed fingerprints with the Oregon State Police
- ☐ I will serve a copy of this *Motion* on the prosecuting attorney

And

*If you selected **Option 1** above, all of the following must also be true. Check all that apply:*

- ☐ I am not currently charged with a crime or contempt of court related to abuse or a person crime
- ☐ I have paid the Oregon State Police background check fee
- ☐ I have fully complied and performed all terms of the sentence of the court

I hereby declare that the above statements are true to the best of my knowledge and belief. I understand they are made for use as evidence in court and I am subject to penalty for perjury.

| | |
|---------|-------------------------|
| Date | Signature |
| Email | Name (typed or printed) |
| Address | City, State, ZIP |
| Phone | |

Certificate of Mailing

I certify that on *(date)*: _____ I placed a true and complete copy of this *Motion* in the United States mail to the prosecuting attorney at *(address)*: _____

| | |
|----------------|-----------------------|
| Date | Defendant (signature) |
| Defendant Name | |