

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

Case No: \_\_\_\_\_

Plaintiff

v.

Defendant

DOB: \_\_\_\_\_

SID#: \_\_\_\_\_

Fingerprint number (FPN #) if known: \_\_\_\_\_

**MOTION TO SET ASIDE  
and DECLARATION IN SUPPORT**  
*No filing fee*

**MOTION**

I ask the court to set aside the:

- record of arrest with no charges filed  
*or*  
 record of arrest with charges filed and the associated: (*check all that apply*)  
 conviction  
 record of citation or charge that was dismissed/acquitted  
 contempt of court finding  
 finding of Guilty Except for Insanity (GEI)
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**STATEMENT OF POINTS AND AUTHORITIES**

The court may set aside a conviction record or record of arrest, citation, charge, or finding of contempt as provided in ORS 137.225.

The court may set aside a judgment finding a person guilty except for insanity of an offense as provided in ORS 137.223.

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**DECLARATION IN SUPPORT**

- I am not currently charged with a crime  
 The arrest or citation I want to set aside is not for a charge of Driving Under the Influence of Intoxicants (DUII) that was dismissed because I completed a diversion program
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**CONVICTION OR FINDING OF CONTEMPT OR GEI**

Date of conviction, contempt finding, or judgment of GEI: \_\_\_\_\_

*or*

Date of release from prison or supervision by the Psychiatric Security Review Board (PSRB): \_\_\_\_\_

- ORS 137.225 does not prohibit a set-aside of this conviction (*see Instructions*)

I am eligible to have my conviction set aside because I was convicted or found GEI of a:  
*(check all that apply)*

**Eligibility Date**

- Felony – Class B *and*  
 7 years have passed since the later of the conviction/judgment or release date *and*  
 I have not been convicted of any other offense or found guilty except for insanity in the past 7 years
- Felony – Class C *and*  
 5 years have passed since the later of the conviction/judgment or release date *and*  
 I have not been convicted of any other offense or found guilty except for insanity in the past 5 years
- Misdemeanor – Class A *and*  
 3 years have passed since the later of the conviction/judgment or release date *and*  
 I have not been convicted of any other offense or found guilty except for insanity in the past 3 years
- Misdemeanor – Class B or C *and*  
 1 year has passed since the later of the conviction/finding/judgment or release date *and*  
 I have not been convicted of any other offense or found guilty except for insanity in the past year
- Violation or Contempt of Court *and*  
 1 year has passed since the later of the conviction/finding/judgment or release date *and*  
 I have not been convicted of any other offense or found guilty except for insanity in the past year

**Sentence (including sanctions for contempt)**

- I have fully completed, complied with, or performed all terms of the sentence of the court
- I was sentenced to probation in this case ***and:***  
 My probation WAS NOT revoked  
*Or*  
 My probation WAS revoked *and* 3 years have passed since the date of revocation
- 

**RECORD OF ARREST, CITATION, OR CHARGE**

Date of arrest: \_\_\_\_\_

*If no arrest date, date of citation, booking, or incident:* \_\_\_\_\_

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

Charges (*list the charges you were arrested or cited for*): \_\_\_\_\_

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I am eligible to have the record of arrest, citation, or charge set aside because:

- no accusatory instrument was filed and at least **60 days** have passed since the prosecuting attorney indicated that prosecution / contempt would not be pursued  
*or*  
 an accusatory instrument was filed and I was acquitted or the case was dismissed
- 

**Fingerprints**

- I  **have sent**  **will send** a copy of my fingerprints to the Department of State Police

**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.**

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Date

Signature

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Name (typed or printed)

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Address

City/State/Zip

Phone Number

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**Certificate of Mailing**

I certify that on (*date*): \_\_\_\_\_ I  delivered or  placed in the United States mail a true and complete copy of this *Motion to Set Aside and Declaration in Support* to the District Attorney at (*address*): \_\_\_\_\_

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Date

Signature

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Name (typed or printed)