

**IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR MULTNOMAH COUNTY**

STATE OF OREGON,

PLAINTIFF,

V.

_____,

DEFENDANT.

Court case #: _____

DA case #: _____

**MOTION AND DECLARATION TO
SET ASIDE A RECORD OF
ARREST**

COMES NOW the defendant and respectfully moves the 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 Number: _____

City: _____ State: _____ Zip Code: _____

Arresting Agency: _____ Arrest Date: _____

Arrest Charge(s): _____

(Optional) Additional Info/Request: _____

Defendant's Signature _____

If you are represented by an attorney, please include a letter of representation with your submission.

DECLARATION SUPPORTING MOTION TO SET ASIDE A RECORD OF ARREST

I, _____, hereby declare that the following statement is true to the best of my knowledge and belief and that I understand it is made for use as evidence in court and is subject to penalty for perjury:

1. I am the defendant named in the above-entitled matter;
2. At least sixty (60) days have 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;
3. I have not been convicted of a crime (other than traffic violations or one (1) non-traffic violation) within the applicable time period as follows:
 - If my motion is concerning a **Class B Felony**, no convictions within seven (7) years;
 - If my motion is concerning a **Class C Felony**, no convictions within five (5) years;
 - If my motion is concerning a **Class A Misdemeanor**, no convictions within three (3) years;
 - If my motion is concerning a **Class B or C Misdemeanor, Violation, or Contempt**, no convictions within one (1) year.
4. I have no pending charges (other than traffic violations) in any court.

Defendant's Signature: _____

Date: _____

THIS ENTIRE FORM MUST BE COMPLETED TO QUALIFY FOR SETTING ASIDE A RECORD OF ARREST

Original to: Court / Copies to: District Attorney's Office and Defendant

Multnomah County District Attorney's Office, Portland, OR 97204 (503) 988-3162

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