

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

State of Oregon

Plaintiff

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

vs

Defendant

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

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

1
2 IN THE CIRCUIT COURT FOR THE STATE OF OREGON
3
4 FOR THE COUNTY OF _____

5 STATE OF OREGON,) No. _____
6)
7)
8 vs.)
9)
)
 Defendant.)

10 THIS MATTER having come before the Court upon the Motion of the defendant for an
11 Order Setting Aside the Conviction and Records of Arrest, pursuant to ORS 137.225, and the
12 Court having reviewed the records and file herein, and now being fully advised, the Court finds
13 as follows:

14 1.) That the defendant was arrested and convicted as follows:

15 Original Arrest Date: _____

16 Original Arrest Charge: _____

17 Arresting Agency: _____

18 Date of Conviction: _____

19 Conviction Charge: _____

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

21 FBI Identification Number: _____

22 Oregon State Identification Number: _____

23 Arresting Agency Number: _____

24 3.) That the circumstances and behavior of the defendant since the date of conviction
25 are found to warrant setting aside records of that conviction and arrest;

1 4.) That the defendant has fully complied with and performed all provisions of the
2 sentence herein.

3 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the defendant's
4 conviction and arrest herein should be and the same is set aside, pursuant to

5 ORS 137.225, and hereafter the defendant, for all purposes of the law, shall be deemed
6 not to have been previously convicted or arrested.

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

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

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