

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

CITY OF _____

Case No: _____

Plaintiff

v.

**MOTION TO SET ASIDE
and DECLARATION IN SUPPORT**

No filing fee

Defendant

DOB: _____

SID#: _____

Fingerprint number (FPN #) *if known*: _____

MOTION

I ask the court to set aside the:

- conviction
- record of arrest with no charges filed
- record of citation or charge that was dismissed/acquitted
- contempt of court finding
- finding of Guilty Except for Insanity (GEI)

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.

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

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

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**Record of Arrest, Citation, or Charge**

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

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

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

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**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.**

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Name (typed or printed)

\_\_\_\_\_  
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)*: \_\_\_\_\_

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Name (typed or printed)