

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

☐ 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

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

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

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)

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

STATE OF OREGON, ) Case No. \_\_\_\_\_  
Plaintiff, )  
-vs- ) ORDER SETTING ASIDE  
NAME, ) CONVICTION AND SEAL RECORD OF  
Defendant. ) ARREST  
)  
)

THIS MATTER coming before the Court on defendant's Motion for Order to Set Aside Conviction and Seal Record of Arrest pursuant to ORS 137.225, in the following matter:

Full Name: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

FBI Number: \_\_\_\_\_ SID Number: \_\_\_\_\_

*List all charges related to arrest or citation to be set aside. Attach additional sheet if necessary.*

Charge	Arrest Date	Agency	Disposition

The Court, having reviewed the records and being fully advised, finds the following:

1. A certified copy of the Defendant's Motion, Affidavit, and complete set of fingerprints were served on the District Attorney for Umatilla County.
2. The Department of the State Police has made positive identification of this Defendant.
3. The circumstances and behavior of the Defendant since the date of arrest warrant setting aside the arrest.

IT IS HEREBY ORDERED that:

1. The above CONVICTION is set aside and the records are sealed
2. The above RECORDS OF ARREST in this case shall be sealed, together with the other official Court records in this case; including the arrest resulting in the criminal proceeding
3. The Clerk of the Court is directed to forward a certified copy of this order to the arresting agency named above and all other appropriate criminal justice agencies. The public agencies receiving a copy of this Order shall seal their records and order the arresting agency to seal its record.

\_\_\_\_\_  
DATE

\_\_\_\_\_  
JUDGE SIGNATURE

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