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

STATE OF OREGON **Plaintiff** vs **Defendant**	**Case Number:** _____ **MOTION FOR ORDER TO SET ASIDE AND SEAL ARREST**

The above named defendant moves the Court for an Order to Set Aside and Seal the **ARREST** in the following matter.

Full Name: _____

Date of Birth: _____

Arrest Charge: _____

Date of Arrest: _____ Arresting Agency: _____

Disposition: _____

This Motion is based on ORS 137.225, the records and files contained herein, and the attached affidavit.

_____ _____

Signature **Date signed**

Prepared by:

Name: _____

Address 1: _____

Address 2: _____

City: _____ **State:** _____ **Zip Code:** _____

Phone: _____

Print Form

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

STATE OF OREGON **Plaintiff** vs **Defendant**	**Case Number:** _____ **ORDER TO SET ASIDE AND SEAL ARREST**

The above named defendant moves the Court for an Order to Set Aside and Seal the **ARREST** in the following matter.

Full Name: _____ Date of Birth: _____

Arrest Charge: _____

Date of Arrest: _____ Arresting Agency: _____

Disposition: _____ Sentencing Date: _____

The Court, being fully advised, makes the following findings of fact:

1. A certified copy of the defendant's Motion was served on the District Attorney, who has declined the opportunity to contest the Motion.
2. The circumstances and behavior of the Defendant from the date of arrest warrant setting aside the arrest.
3. Positive identification of the defendant has been established by Dept. of the State Police Bureau of Identification as provided to the Malheur County District Attorney office.

IT IS ORDERED that:

1. The above **ARREST** is set aside;
2. The Clerk of the Court is directed to seal all files and records relating to said proceeding including the arrest resulting in the criminal proceeding;
3. The Clerk of the Court is directed to send a copy of this Order to the arresting agency named above and the Central Bureau of Criminal Investigation of the Department of State Police. The public agencies receiving a copy of this Order shall seal their records and order the arresting agency to seal its records. The Central Bureau of Criminal Investigation of the Department of State Police shall request the return of arrest date, including fingerprints from the Federal Bureau of Investigation.

ALLOW_____ DENY_____

_____ _____

Date **Circuit Court Judge**

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

STATE OF OREGON **Plaintiff** vs **Defendant**	**Case Number:** _____ **AFFIDAVIT IN SUPPORT OF MOTION TO SET ASIDE AND SEAL ARREST**

I, _____, being first duly sworn on oath, depose and say:

1. That I am the defendant in the above entitled matter. I submit this affidavit in support of the attached Motion to Set Aside and Seal Arrest;

2. The information pertaining to this matter as set out in the Motion is true to the best of my knowledge and belief;

3. ☐ More than one (1) year has elapsed since the date of arrest and no accusatory instrument has been filed against me based upon said arrest, or;
   ☐ An accusatory instrument was filed against me and has been dismissed, or;
   ☐ An accusatory instrument was filed against me, but I was acquitted of all charges.

4. Within the three (3) year period immediately preceding the filing of this motion, I have not been arrested for any offense, excluding motor vehicle violations, and excluding arrests for conduct associated with the same criminal episode that caused my arrest in this matter.

5. Within the ten (10) year period immediately preceding the filing of this Motion, I have not been convicted of any other offense, excluding motor vehicle violations.

6. I do not have criminal charges pending against me at this time. I have not had a conviction set aside by Order of any Court.

_____
Defendant's Signature

SUBSCRIBED AND SWORN TO BEFORE ME ON _____ in Malheur County, Oregon.
DATE

Trial Court Administrator

By: _____
Court Clerk/Notary Public

My commission expires:_____