

## **PROCESS FOR SETTING ASIDE ARREST LINCOLN COUNTY CIRCUIT COURT**

Do not ask court clerks for legal advice regarding setting aside an arrest. If you need legal advice, please consult an attorney. This packet is meant to inform, not advise you on Oregon law. An attorney should be consulted for any legal advice and to assist in individual situations.

### **CONDITIONS FOR SETTING ASIDE AN ARREST**

1. You may not have been convicted of any other crime within the past 10 years.
2. Must be over three (3) years from the date of pronouncement of judgment.
3. You must have fully complied with and performed the sentence of the court.
4. You may not have a current charge for the commission of a crime.
5. Applies to class C felony or less. See ORS 137.225 for exceptions. Does not apply to any traffic offense.

### **YOU WILL NEED THE FOLLOWING INFORMATION:**

1. Original Arrest Date
2. Original Arrest Charge
3. Arresting Agency
4. Court Case Number

You may obtain this information by viewing the file or purchasing copies of the following items:

1. Original Charging Instrument
2. Sentencing Order/Judgment
3. Any subsequent order (probation violations, modifications of sentence or termination of sentence).

Complete the three (3) forms enclosed in this packet. You will need to sign the "Affidavit in Support of Motion to Set Aside Record of Arrest" in front of a notary public.

You will need to have a complete set of fingerprints taken. The Lincoln County Sheriff's Office offers this service for a fee.

After completing the forms, making sure that your name, current address and phone number are included, **MAKE TWO COPIES OF THE MOTION, AFFIDAVIT AND ORDER.**

File the original forms in person or by mail with the Lincoln County Circuit Court 225 W. Olive, Room 202, Newport, OR 97365.

You will need to serve ONE of the copies of all the forms, along with your fingerprints on the Lincoln County District Attorney's Office 225 W. Olive, Room 100, Newport, OR 97365.

You should keep an additional copy of the documents for your records.