



OREGON JUDICIAL DEPARTMENT

Frequently Asked Questions

Dismissed Criminal Case Because No Public Defense Attorney Available

- How will I know if my case is dismissed?
 - If your case is dismissed, you will be told at your next court date or receive a letter in the mail. Make sure the court has your current mailing address and phone number.
- Why was my case dismissed?
 - The judge dismissed your case because the state does not have an attorney available.
- What is a “dismissal without prejudice”?
 - A dismissal without prejudice means the case is closed, but the law may allow a district attorney to file the case again in the future.
- Do I still have to check in with pretrial release services, and are my release conditions still in effect?
 - No. You don’t need to check in with pretrial release services and your release conditions are no longer in effect. If you have a no contact order from another case, like a restraining order, stalking order, or a domestic relations case, you must follow all orders in those cases. If you have another criminal case with a release agreement, you still need to follow those release conditions.
- How do I get my bail money back?
 - When a criminal case is dismissed, most of the time the bail money that was posted is returned to the person who posted the money, minus administrative fees. You don’t need to do anything to start that process. It can take 30 days for bail money to be returned. Bail money might not be returned if you owe money in other circuit court cases or failed to appear at a hearing in this case.
- How can I get my property back that was taken as part of the investigation?
 - You will need to contact the law enforcement agency that has your property to get it back. They may have a waiting period after your case has closed before they will release your property. They may need permission from the district attorney’s office. You can also file a motion with the circuit court for your property to be returned (ORS 133.633).

- Can my case be refiled?
 - Maybe. If the case was dismissed without prejudice and the time limit for filing the charges (also called the “statute of limitations”) has not passed, the district attorney may refile your case.
- If my case is refiled, will I get an attorney appointed?
 - If you financially qualify, the court will appoint an attorney to represent you. However, an attorney might not be available right away. You will be placed on a wait list.
- Will this case show up on my criminal record?
 - Yes. This case will show on your criminal record, and it will show that the case was dismissed.

- Does dismissal mean I can have my charge(s) expunged or set aside?
 - Maybe. You may qualify to have your charge(s) set aside. You may want to seek advice from an attorney on whether you can set aside your charges.

The CLEAR Clinic provides free legal resources for set asides. Their information can be found at www.clear-clinic.org. Their phone number is 503-389-5919, and their email address is info@clear-clinic.org.

Forms and instructions on how to ask the court to set aside your case are available online and at the courthouse. Remember that if charges are dismissed without prejudice, the law may allow the district attorney to refile the case.

To access set aside forms and instructions:

<https://www.courts.oregon.gov/forms/Pages/CrimArrestSetAside.aspx>

- Do I have to appear at my next court date if my case hasn’t been dismissed but may be eligible for dismissal?
 - **Yes. You must appear at all court dates unless your case has been officially dismissed.** If you do not appear, a warrant for your arrest may be issued.
- I have an attorney but I think my case should be dismissed.
 - Contact your attorney about whether your case can be dismissed.
- How will I know if my case is refiled?
 - Depending on how the district attorney chooses to file a case, you may receive a citation or ticket from a law enforcement officer in person, or a warrant for your arrest may be ordered.