

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

Case No: _____

Plaintiff

v.

Defendant

**MOTION TO SET ASIDE
and DECLARATION IN SUPPORT**
No filing fee

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)

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

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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

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

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)