

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

Case No: _____

Petitioner

and

State of Oregon

Respondent

**MOTION FOR DNA
TESTING**

MOTION

- I ask that DNA testing be performed on evidence as supported by the *Declaration* below
- Testing should be done by the Department of State Police *or*
 - The parties stipulate that testing should be completed by a lab other than the Department of State Police *or*
 - Compelling circumstances exist to order testing be completed by a lab other than the Department of State Police (*explain*): _____
- _____

Additional page attached

- Costs of DNA testing should be paid by the state because Petitioner is incarcerated and financially unable to pay or my attorney was appointed at state expense under ORS 138.694

STATEMENT OF POINTS AND AUTHORITIES

ORS 138.690 – 138.698 permits Petitioner in a DNA testing proceeding to request the orders available in this Motion

DECLARATION

- I am innocent of the offense I was convicted of
- A statement is attached that:
- identifies the evidence to be tested with reasonable specificity
 - includes the results of previous DNA tests of the evidence (if any)
 - explains, in light of all the evidence, how there is reasonable probability that, had exculpatory results been available at the time of the underlying prosecution, I would not have been prosecuted or convicted, or the outcome would have been more favorable to me
- The identity of the individual who committed the crime or conduct was at issue in the underlying prosecution
- or*
- No crime occurred
- A copy of prior sworn testimony by Petitioner has been served on the District Attorney
- or*
- No sworn statements concerning the underlying prosecution by Petitioner exist

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

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

Case No: _____

Petitioner
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**MOTION RE: DNA TESTING
DISCOVERY FROM THE STATE**

MOTION

I ask the court to order that I be provided with reasonable access to discovery materials in possession of the district attorney and any law enforcement agencies that I would have received under ORS 135.815 prior to trial

STATEMENT OF POINTS AND AUTHORITIES

ORS 138.690 – 138.698 permits Petitioner in a DNA testing proceeding to request the orders available in this Motion

DECLARATION

I made the following good faith efforts to obtain discovery materials from prior defense counsel but was unsuccessful (*explain efforts to obtain discovery*):

Additional page attached

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

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

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Petitioner

and

State of Oregon

Respondent

**MOTION TO DISMISS DNA
TESTING PROCEEDING**

MOTION

I am the Petitioner named above. I ask the court to dismiss the petition to commence a DNA testing proceeding.

STATEMENT OF POINTS AND AUTHORITIES

ORS 138.690(3) permits Petitioner to dismiss a petition to commence a DNA testing proceeding

DECLARATION

I no longer wish to proceed with DNA testing

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 hand-delivered or placed a true and complete copy of this *Motion* in the United States mail to the District Attorney at *(address)*: _____

Date

Petitioner (signature)

Petitioner Name