

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

_____,
Plaintiff,

Case Number: _____

v.

MOTION TO SET ASIDE RECORDS OF ARREST

State of Oregon,

Defendant.

Comes now the Plaintiff in this matter, and respectfully moves the Court for an Order setting aside and sealing the arrest records of the Plaintiff. Said arrest occurred on

_____ and did not result in the filing of an accusatory instrument.

This Motion is based upon the record herein and upon the attached Affidavit.

Signature of Defendant

AUTHORITY
ORS 137.255

Defendant's Date of Birth: _____

Defendant's Mailing Address

Telephone Number (optional)

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

_____,
Plaintiff,

Case No: _____

v.

State of Oregon,

AFFIDAVIT IN SUPPORT OF MOTION TO
SET ASIDE RECORDS OF ARREST

Defendant.

STATE OF OREGON)
COUNTY OF LINN)

I, _____, do hereby depose and say that:

I am the Plaintiff herein, and I am filing this Affidavit in Support of my Motion to Set Aside and to seal the records of my arrest.

This arrest occurred more than one (1) year ago. I have no criminal cases presently pending against me in any court. I have no criminal convictions in the ten (10) year period immediately preceding the filing of this motion, excluding motor vehicles violations. I have not had a conviction set aside within the ten (10) year period immediately preceding the filing of this Motion and have no other similar motions pending in this or any other court.

I have not been arrested for any other matter unassociated with this within the last three (3) years, excluding motor vehicle violations.

A copy of this Affidavit and a copy of my Motion to Set Aside Records of Arrest has been served upon the District Attorney of Linn County.

A complete set of my fingerprints has been served on the District Attorney of Linn County.

I am not now charged with the alleged commission of any crime.

The arrest that I am seeking to have set aside occurred on _____.

The charge(s) that I was arrested for on the above date were _____

Arresting agency and incident number (if known): _____.

Dated this _____ day of _____, _____.

Signature of Plaintiff

SUBSCRIBED AND SWORN TO before me this _____ day of _____, _____.

Notary Public of Oregon/Deputy Clerk of Court
My Commission Expires: _____

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

_____,
Plaintiff,

Case No: _____

v.
State of Oregon,

ORDER TO SET ASIDE AND
SEAL RECORDS OF ARREST

Defendant.

THIS MATTER having come before the Court upon the Motion of the Plaintiff for an Order Setting Aside and Sealing Records of Arrest, pursuant to ORS 137.225; the State of Oregon appearing by and through the District Attorney for Linn County and the Court having reviewed the records and being fully advised, finds as follows:

1. A copy of the Motion to Set Aside, Affidavit in Support and a complete set of the Defendant's fingerprints were served upon the District Attorney for Linn County.
2. The Oregon State Police Bureau of Identification and Information has made positive identification of this defendant and further identified this Defendant by:

FBI Identification Number: _____

Oregon State Bureau Number: _____

Submitting Agency Number: _____

Arrested on Charges of: _____

3. That the circumstances and behavior of the Plaintiff since the date of arrest are found to warrant setting aside records of that arrest;

NOW THEREFORE IT IS HEREBY ORDERED that the record of arrest maintained by any law enforcement agency regarding the Plaintiff and the arrest, dated _____ be, and same is, hereby set aside and the Defendant herein is deemed not to have previously been arrested for said crime; and IT IS FURTHER ORDERED, that the Clerk of the Court shall forward a certified copy of this order to all appropriate criminal justice agencies.

IT IS FURTHER ORDERED that thereafter the record of this action herein shall be sealed together with other official Court records in this case, including investigation reports of involved law enforcement agencies concerning the alleged criminal episode.

IT IS SO ORDERED this ____ day of _____, _____.

Circuit Court Judge

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

Plaintiff,

Case No: _____

CERTIFICATE OF SERVICE

State of Oregon,

Defendant.

STATE OF OREGON)

COUNTY OF LINN)

I, _____, do hereby certify that I have served the foregoing Motion to Set Aside Records of Arrest, Affidavit in Support of Motion to Set Aside Records of Arrest, Order to Set Aside and Seal Records of Arrest, and an original full set of defendant's fingerprints on the following party:

LINN COUNTY DISTRICT ATTORNEY'S OFFICE by delivering copies to:

Linn County District Attorney, Linn County Courthouse, P.O. Box 100, Albany, Oregon 97321 on ____ day of _____, 20__.

Dated this ____ day of _____, 20__.

Signature of Plaintiff