

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

State of Oregon,

Plaintiff,

Case No: _____

v.

MOTION TO SET ASIDE

RECORD OF ARREST

Defendant.

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

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

Signature of Defendant

AUTHORITY

ORS 137.225

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

State of Oregon,

Case No: _____

Plaintiff,

v.

AFFIDAVIT IN SUPPORT OF MOTION
TO SET ASIDE RECORD OF ARREST

Defendant.

STATE OF OREGON)

COUNTY OF LINN)

I, _____, do hereby depose and say that:

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

I have been acquitted of all charges contained in this case or they have been dismissed by the Court. My acquittal on these charges and/or their dismissal by the Court resolves all of the charges that I am requesting to have set aside.

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

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

A complete set of my fingerprints, along with a certified check made payable to the Oregon State Police for their processing costs, 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 Defendant

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

State of Oregon,

Case No: _____

Plaintiff,

v.

ORDER TO SET ASIDE AND
SEAL RECORDS OF ARREST

Defendant.

THIS MATTER having come before the Court upon the Motion of the Defendant 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: _____

NOW THEREFORE IT IS HEREBY ORDERED that the Defendant's arrest of ____/____/____

on the charge(s) of: _____

be, and the same is/are, hereby set aside and the Defendant herein is deemed not to have previously been arrested of said crime(s); and

IT IS FURTHER ORDERED that the record of arrest maintained by any law enforcement agency regarding the Defendant and the alleged criminal episode contained herein be, and the same is, hereby set aside and the Defendant herein is deemed not to have previously been arrested for said crime(s); 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 the Court and arrest 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

State of Oregon,

Case No: _____

Plaintiff,

CERTIFICATE OF SERVICE

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 Defendant