

**IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR LANE COUNTY**

STATE OF OREGON,

PLAINTIFF,

V.

DEFENDANT.

Court #: _____

DA #: _____

**MOTION AND AFFIDAVIT TO SET
ASIDE A RECORD OF ARREST
(NO CHARGES FILED)**

COMES NOW the defendant and respectfully moves the court for an order to set aside the arrest in the above matter pursuant to ORS 137.225. This motion is well founded in law and is made in good faith.

Full Name: _____ Date of Birth: _____

Mailing Address: _____ Phone Number: _____

City: _____ State: _____ Zip Code: _____

Arresting Agency: _____ Arrest Date: _____

Arrest Charge(s): _____

Defendant's Signature

If you are represented by an attorney, please include a letter of representation with your submission.

AFFIDAVIT SUPPORTING MOTION TO SET ASIDE A RECORD OF ARREST

I, _____, hereby swear or affirm under penalty of perjury that I am the defendant in the above-entitled matter and that the following is true and submitted in support of my motion to set aside the above-described arrest:

1. At least one (1) year has passed since the date of my arrest and no formal written complaint or other accusatory instrument has been filed against me, or I have been found not guilty or acquitted of the charge(s), or the charges have been dismissed;
2. I have not been arrested for any other offense within the three (3) year period immediately preceding the filing of this motion;
3. I have no convictions in any court for any felony, misdemeanor, or violation level offense within the last ten (10) years (other than traffic violations or one (1) non-traffic violation);
4. I have not previously had any conviction set aside which had a conviction date in the ten (10) year period immediately preceding the filing of this motion; and
5. I have no pending charges (other than traffic violations) in any court.
6. I have served a copy of this Motion and Affidavit and a complete set of my fingerprints on the District Attorney of Lane County.

Defendant's Signature: _____

Date: _____

SUBSCRIBED AND SWORN to before me on _____ day of _____, 20____.

Notary Public for Oregon/ Court Clerk
My commission expires: _____