



Yamhill County Circuit Court

INSTRUCTIONS FOR FILING A PRO SE MOTION IN A CRIMINAL CASE

If you choose to file a motion with the court, without an attorney, you may use these instructions and the attached forms as long as what you are requesting is not complex. You must provide the court proof that you served a copy of your motion and the *State's Response* (Form 2 of this packet) to the District Attorney.

Steps:

1. Complete the *Pro Se Motion* Form 1 and sign it. This is now the **original** that must be filed with the court. (Do not complete the Certificate of Service portion, see step 4).
2. Make two copies, 1 for your records and 1 to serve on the District Attorney's office.
3. Serve a copy on the District Attorney's office, along with the *State's Response* Form 2.
4. On the **original** *Pro Se Motion* Form 1, complete the *Certificate of Service* portion and sign attesting to you having served the copy of the *Pro Se Motion* and *State's Response* Form 2 on the District Attorney.
5. File the completed **original** *Pro Se Motion* Form 1 with the court.
6. Appear at a hearing, if one is scheduled.

The District Attorney's office will have 14 days to indicate whether that office objects to the motion. If they do object, a hearing will be scheduled. If they do not object, the court will review the motion and grant or deny it based on the written motion and any response from the District Attorney's office. A copy of the final order will be sent to you at the address provided.

If you are on formal/supervised probation, you should also obtain a written report from your probation officer stating their position regarding your motion. If there is a victim, the victim may be entitled to notice and an opportunity to object.

The court cannot give legal advice. This is only minimal assistance for persons not represented by an attorney.

DO I NEED A LAWYER?

If you have questions about how the law works or what other issues may arise, you may want to talk to a lawyer. Court staff cannot give you legal advice. If you need help finding a lawyer, call the Oregon State Bar's Lawyer Referral Service at 503.684.3763 or 800.452.7636 or go to www.oregonstatebar.org

Yamhill Circuit Court
535 NE Fifth St., McMinnville, OR 97128
503-434-7530

Location of the Yamhill County District Attorney's office:
1st Floor of the Courthouse, 535 NE Fifth St., Room #117, McMinnville, OR 97128.
Contact the District Attorney at 503-434-7539 if you have any questions.

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

STATE OF OREGON,

Plaintiff,

Case No. _____

vs.

PRO SE MOTION:

☐ TERMINATE BENCH PROBATION

☐ MODIFY CONDITIONS OF BENCH
PROBATION

☐ OTHER: _____

NOW COMES the above-named defendant and motions the court to:

☐ Terminate defendant's bench probation, defendant having completed all conditions.

☐ Modify the conditions of bench probation as follows:

_____.

☐ Other _____.

The defendant believes there is good cause to grant the above request because: _____

_____.

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

Email

Printed Name

Contact Address

City, State, ZIP

Contact Phone

Certificate of Service

I certify that on _____, I served the foregoing copy of the Pro Se Motion and State's Response upon the following parties.

*Yamhill Co. District Attorney
535 NE Fifth St., Room 117
McMinnville, OR 97128*

Dated: _____

Signature

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

STATE OF OREGON,

Plaintiff,

Case No. _____

vs.

STATE'S RESPONSE:

_____,
Defendant.

☐ TERMINATE BENCH PROBATION

☐ MODIFY CONDITIONS OF BENCH
PROBATION

☐ OTHER: _____

The state has 14 days from service of the motion to object or not object.

The State, by and through the Yamhill County District Attorney, hereby:

☐ Does not object to the defendant's request.

☐ OBJECTS to the defendant's request. A hearing will be set on defendant's Motion.

☐ Other: _____.

Dated: _____

District Attorney / Deputy