



## **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. After you have served both documents to the District Attorney's Office you must indicate on the bottom of your original motion (Form 1) in the *Certificate of Service* section that you did serve them 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 your 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](http://www.oregonstatebar.org)

Location of the Yamhill County District Attorney's office:  
1<sup>st</sup> 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:**

\_\_\_\_\_,  
Defendant.

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: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Certificate of Document Preparation.** Check all that apply:

I chose this form for myself and completed it without paid help.

A legal help organization helped me choose or complete this form, but I did not pay money to anyone.

I paid (or will pay) \_\_\_\_\_ for help choosing, completing, or reviewing this form.

**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 (printed)

\_\_\_\_\_  
Contact Address

\_\_\_\_\_  
City, State, ZIP

\_\_\_\_\_  
Contact Phone

**Certificate of Service**

I certify that on \_\_\_\_\_, I served the foregoing copy of the Pro Se Motion 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