

IN THE MUNICIPAL COURT OF THE CITY OF OREGON CITY
FOR THE COUNTY OF CLACKAMAS, STATE OF OREGON

Case No: _____

Plaintiff

v.

**MOTION TO SET ASIDE
and DECLARATION IN SUPPORT**
No filing fee

Defendant

DOB: _____

SID#: _____

Fingerprint number (FPN #) if known: _____

MOTION

I ask the court to set aside the:

- ☐ conviction
- ☐ record of arrest with no charges filed
- ☐ record of citation or charge that was dismissed/acquitted
- ☐ contempt of court finding
- ☐ finding of Guilty Except for Insanity (GEI)

STATEMENT OF POINTS AND AUTHORITIES

The court may set aside a conviction record or record of arrest, citation, charge, or finding of contempt as provided in ORS 137.225.

The court may set aside a judgment finding a person guilty except for insanity of an offense as provided in ORS 137.223.

DECLARATION IN SUPPORT

- ☐ I am not currently charged with a crime
- ☐ The arrest or citation I want to set aside is not for a charge of Driving Under the Influence of Intoxicants (DUII) that was dismissed because I completed a diversion program

Conviction or Finding of Contempt or GEI

Date of conviction, contempt finding, or judgment of GEI: _____

or

Date of release from prison or supervision by the Psychiatric Security Review Board (PSRB): _____

- ☐ ORS 137.225 does not prohibit a set-aside of this conviction (*see Instructions*)

I am eligible to have my conviction set aside because I was convicted or found GEI of a:
(check all that apply)

Eligibility Date

- ☐ Felony – Class B *and*
☐ 7 years have passed since the later of the conviction/judgment or release date *and*
☐ I have not been convicted of any other offense or found guilty except for insanity in the past 7 years
- ☐ Felony – Class C *and*
☐ 5 years have passed since the later of the conviction/judgment or release date *and*
☐ I have not been convicted of any other offense or found guilty except for insanity in the past 5 years
- ☐ Misdemeanor – Class A *and*
☐ 3 years have passed since the later of the conviction/judgment or release date *and*
☐ I have not been convicted of any other offense or found guilty except for insanity in the past 3 years
- ☐ Misdemeanor – Class B or C *and*
☐ 1 year has passed since the later of the conviction/finding/judgment or release date *and*
☐ I have not been convicted of any other offense or found guilty except for insanity in the past year
- ☐ Violation or Contempt of Court *and*
☐ 1 year has passed since the later of the conviction/finding/judgment or release date *and*
☐ I have not been convicted of any other offense or found guilty except for insanity in the past year

Sentence (including sanctions for contempt)

- ☐ I have fully completed, complied with, or performed all terms of the sentence of the court
- ☐ I was sentenced to probation in this case *and*:
☐ My probation WAS NOT revoked
Or
☐ My probation WAS revoked *and* 3 years have passed since the date of revocation

Record of Arrest, Citation, or Charge

Date of arrest: _____

Arresting Agency: _____

I am eligible to have the record of arrest, citation, or charge set aside because:

- ☐ no accusatory instrument was filed and at least **60 days** have passed since the prosecuting attorney indicated that prosecution / contempt would not be pursued
or
☐ an accusatory instrument was filed and I was acquitted or the case was dismissed

Fingerprints

➤ I ☐ have sent ☐ will send a copy of my fingerprints to the Department of State Police

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 (typed or printed)

Address

City/State/Zip

Phone Number

Certificate of Mailing

I certify that on (date): _____ I ☐ delivered or ☐ placed in the United States mail a true and complete copy of this *Motion to Set Aside and Declaration in Support* to the District Attorney at (address): _____

Date

Signature

Name (typed or printed)