

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

STATE OF OREGON,

Plaintiff,

vs.

Defendant.

Case No. _____

MOTION FOR SETTING ASIDE ARREST

COMES NOW the above named defendant and moves the Court for an Order setting the record of arrest for the following matter:

Full Name:	
Date of Birth.	Social Security No.:
State ID No.:	Date of Arrest:
Arrest Charge:	Arresting Agency:

THIS MOTION is based on ORS 137.225 and defendant's affidavit attached, marked "Exhibit 1" and by this reference made a part hereof.

DATED this _____ day of _____, 20_____.

DEFENDANT'S SIGNATURE

Submitted by:

DEFENDANT'S NAME (TYPE OR PRINT)

ADDRESS

CITY STATE ZIP PHONE

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

STATE OF OREGON,

Plaintiff,

vs.

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Case No. _____

AFFIDAVIT IN SUPPORT OF MOTION
FOR SETTING ASIDE ARREST
(Exhibit "1")

STATE OF OREGON)
County of Josephine) ss.

I, _____, being first duly sworn on oath, depose and say that:

1. I am the Defendant in the above-entitled matter. I submit this Affidavit in support of the attached Motion to Set Aside Arrest.
2. I was arrested on (date) _____, _____ for the offense of _____
3. The arrest should be set aside because (check one):
 - No accusatory instrument was filed in connection with the arrest. At least one (1) year has elapsed since the date of arrest.
 - I was acquitted of the charge brought against me in connection with the arrest.
 - The charge brought against me in connection with the arrest was dismissed.
4. I have no criminal cases presently pending against me in any court;
5. I have not been convicted of another offense, excluding motor vehicle violations, within the ten (10) year period immediately preceding the filing of this Motion;
6. I have not had a conviction set aside within the ten (10) year period immediately preceding the filing of this Motion;
7. I have not been arrested for another offense, excluding motor vehicle violations, and excluding arrests for conduct associated with the same criminal episode that caused my arrest in this matter, within the three (3) year period immediately preceding the filing of this Motion;
8. The above referenced court would have jurisdiction over the offense for which I was arrested.

DEFENDANT'S SIGNATURE

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

NOTARY PUBLIC - STATE OF OREGON
My Commission Expires: _____

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

STATE OF OREGON,

Plaintiff,

vs.

Defendant.

Case No.: _____

ORDER SETTING ASIDE ARREST

THIS MATTER having come before the Court upon the Motion of the Defendant for an Order Setting Aside Arrest pursuant to ORS 137.225, the State of Oregon appearing by and through the District Attorney for Josephine 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 Josephine County.
2. The Oregon State Police Bureau of Identification and Information has made positive identification of this Defendant and Defendant is further identified by:

Full Name:	
Date of Birth:	Social Security No.:
State ID No.:	Date of Arrest:
Arrest Charge:	Arresting Agency:

3. The arrest should be set aside because (check one):
 - No accusatory instrument was filed in connection with the arrest. At least one year has elapsed since the date of arrest.
 - Defendant was acquitted of the charge brought against him/her in connection with the arrest.
 - The charge brought against Defendant in connection with the arrest was dismissed.
4. Defendant is not now under charge of commission of any crime;
5. Excluding motor vehicle violations, the defendant has not been convicted of any other offense within the ten (10) year period immediately preceding the filing of his/her motion to set aside the conviction in this case;
6. It appearing to the court that the circumstances and behavior of defendant from the date of the arrest to the date of the hearing on this motion so warrant, and being fully advised in the premises;

IT IS HEREBY ORDERED that the above arrest be, and the same is, hereby set aside, and for purposes of law the defendant is hereby deemed not to have been previously arrested of said offense;

IT IS FURTHER ORDERED that the arrest is deemed not to have occurred, and the defendant may accordingly answer any questions relating to their occurrence as if it had not occurred;

IT IS FURTHER ORDERED that the record of arrest and any other official records in the case be sealed, including investigation reports of involved law enforcement agencies concerning the alleged criminal episode; and

IT IS FURTHER ORDERED that the clerk of the court forward a certified copy of this order to the Director, Bureau of Identification and Investigation, Department of Oregon State Police; the Director, Columbia Region Information Sharing System; the Identification Division, Federal Bureau of Investigation; Grants Pass Department of Public Safety; Josephine County Sheriff's Department; Josephine County Community Corrections; State of Oregon Department of Corrections; and the Josephine County District Attorney's Office.

DATED this _____ day of _____, 20_____.

CIRCUIT COURT JUDGE

Submitted by:

SIGNATURE OF DEFENDANT

DEFENDANT'S NAME (TYPE OR PRINT)

ADDRESS

CITY STATE ZIP PHONE

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

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**CERTIFICATE OF DOCUMENT
PREPARATION**

You are required to truthfully complete this certificate regarding the document you are filing with the Court. Check all boxes and complete all blanks that apply:

- I selected this document for myself, and I completed it without paid assistance.
- I paid, or will pay, money to _____ for assistance in preparing this document.

DATED: _____, 20_____.

(Signature)

(Print Name)

Address

City,

State, ZIP

Telephone