

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

Plaintiff,

vs.

Defendant.

Case No. \_\_\_\_\_

MOTION FOR SETTING ASIDE  
CONVICTION

COMES NOW the above named defendant and moves the Court for an Order setting aside the conviction in the following matter:

<b>Full Name:</b>	
<b>Date of Birth.</b>	<b>Social Security No.:</b>
<b>State ID No.:</b>	<b>Date of Arrest:</b>
<b>Arrest Charge:</b>	<b>Arresting Agency:</b>
<b>Conviction Charge:</b>	<b>Sentencing Date:</b>
<b>Disposition:</b>	

A copy of the judgment of conviction is hereto attached, marked Exhibit "1" and by this reference made a part thereof.

THIS MOTION is based on ORS 137.225 and defendant's affidavit attached, marked "Exhibit 2" 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

MOTION FOR SETTING ASIDE CONVICTION

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

STATE OF OREGON,

Plaintiff,

vs.

\_\_\_\_\_

Defendant.

Case No. \_\_\_\_\_

AFFIDAVIT IN SUPPORT OF MOTION  
FOR SETTING ASIDE CONVICTION  
(Exhibit "2")

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 and I was convicted by the above entitled court on (date)\_\_\_\_\_.
2. That the disposition of my case was as follows: \_\_\_\_\_

3. My conviction is for one of the offenses which ORS 137.225 allows to be set aside.

4. At least three (3) years have passed since the date of my conviction. If I was convicted of a Class B felony, at least twenty (20) years have passed since my conviction or release from imprisonment (whichever is later) and I have not been convicted of, arrested, criminally cited for or charged with any other offense (except motor vehicle violations) since the date of the conviction I seek to set aside.

5. I have not been convicted of, arrested, criminally cited for or charged with any other felony, misdemeanor or violation level offense (other than traffic violations or one (1) other non-traffic violation) within the ten- (10) year period immediately preceding the filing of my motion.

6. I fully complied with and performed the sentence of the court, including payment of all financial obligations.

7. If my probation was revoked, at least ten (10) years have passed since the date of the revocation.

8. I have not had any other conviction set aside which had a conviction date in the ten- (10) year period immediately preceding the filing of my motion.

9. I have no pending charges (other than traffic violations) in any court.

10. I understand that if my conviction involved a victim, the District Attorney will notify the victim of this motion.

\_\_\_\_\_  
DEFENDANT'S SIGNATURE

SUBSCRIBED AND SWORN to before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC - STATE OF OREGON

My Commission Expires: \_\_\_\_\_

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.

\_\_\_\_\_

Defendant.

Case No.: \_\_\_\_\_

ORDER SETTING ASIDE CONVICTION

THIS MATTER having come before the Court upon the Motion of the Defendant for an Order Setting Aside Conviction 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:

<b>Full Name:</b>	
<b>Date of Birth:</b>	<b>Social Security No.:</b>
<b>State ID No.:</b>	<b>Date of Arrest:</b>
<b>Arrest Charge:</b>	<b>Arresting Agency:</b>
<b>Conviction Charge:</b>	<b>Sentencing Date:</b>
<b>Disposition:</b>	

3. At least three (3) years have elapsed since the date of conviction or, if for a Class B felony, at least twenty (20) years have passed since the later of the conviction or release from imprisonment, and the defendant has not been convicted of, arrested for, criminally cited for or charged with any other offense (except motor vehicle violations) since the date of the conviction.
4. Defendant has fully complied with and performed the sentence of the court.
5. Defendant is not now under charge of commission of any crime.
6. The conviction charge is for a crime that may be set aside.
7. Excluding motor vehicle violations, the defendant has not been convicted of, arrested for, criminally cited for or charged with 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.

8. It appearing to the court that the circumstances and behavior of defendant from the date of the conviction 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 conviction be, and the same is, hereby set aside, and for purposes of law the defendant is hereby deemed not to have been previously convicted of said offense;

IT IS FURTHER ORDERED that such arrest, conviction and any other proceedings are deemed not to have occurred, and the defendant may accordingly answer any questions relating to their occurrence as if they had not occurred;

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

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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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\_\_\_\_\_

Defendant.

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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