

IN THE MUNICIPAL COURT FOR THE CITY OF LEBANON

LINN COUNTY OREGON

\_\_\_\_\_, )  
Plaintiff, ) Case No. \_\_\_\_\_  
)  
vs. )  
)  
\_\_\_\_\_, )  
Defendant. )

DOB: \_\_\_\_\_

SID#: \_\_\_\_\_

Fingerprint number (FTN #) (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)

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**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.

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**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 of 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/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 probations 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 : **Lebanon Police Department (Lebanon, Oregon)**

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 with the appropriate form and the required fee

**I hereby declare that the above statements are true to the best of my knowledge and belief. I understand that they are made for use as evidence in court and I am subject to penalty of 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 State mail a true and complete copy of this *Motion to Set Aside* and *Declaration in Support* to the City Attorney: **John Tre' Kennedy, The Morley, Thomas Law Firm, 80 E. Maple Street, Lebanon, OR 97355.**

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Name (typed or printed)