

IN THE MUNICIPAL COURT OF THE CITY OF LEBANON, LINN COUNTY, OREGON

CITY OF LEBANON, )  
 )  
 ) Plaintiff, ) Case No.:  
 )  
 ) vs. )  
 )  
 ) **MOTION FOR ORDER SETTING**  
 ) **ASIDE ARREST AND CONVICTION**  
 )  
 \_\_\_\_\_, )  
 ) Defendant. )

**COMES NOW** the Defendant and respectfully moves the Court for an Order setting aside the **ARREST** and **CONVICTION** in the following matter:

Full Name:	Date of Birth:
Social Security Number:	Arrest Charge:
Date of Arrest:	Arresting Agency:
Conviction Charge:	Sentencing Date:

This Motion is based upon ORS 137.225, the records and files contained herein and the attached Affidavit.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Defendant's Signature

\_\_\_\_\_  
Mailing Address

\_\_\_\_\_  
City/State/Zip

\_\_\_\_\_  
Telephone Number

IN THE MUNICIPAL COURT OF THE CITY OF LEBANON, LINN COUNTY, OREGON

CITY OF LEBANON,	)	
	)	Case No.:
vs.	)	
	)	<b>AFFIDAVIT IN SUPPORT OF MOTION</b>
_____	)	<b>FOR ORDER SETTING ASIDE ARREST</b>
Defendant.	)	<b>AND CONVICTION</b>

STATE OF OREGON            )  
   ) ss.  
 County of Linn                )

I, \_\_\_\_\_, being first duly sworn on oath, do depose and say:

- 1) That I am the Defendant in the above-entitled matter. I submit this Affidavit in support of the attached Motion to Set Aside Arrest and Conviction;
- 2) The information pertaining to this matter as set out in the Motion is true to the best of my knowledge and belief;
- 3) More than three (3) years have elapsed since the date of the pronouncement of judgment;
- 4) **I HAVE NOT BEEN CONVICTED OF OR ARRESTED FOR ANY OFFENSE PUNISHABLE AS A FELONY, MISDEMEANOR OR VIOLATION, EXCEPT AS SPECIFIED HEREIN;**
- 5) I do not have any criminal charges pending against me at this time;
- 6) I have not previously had a conviction set aside by order of any Court.

\_\_\_\_\_  
Defendant's Signature

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

\_\_\_\_\_  
Notary Public for Oregon  
My Commission Expires:\_\_\_\_\_

IN THE MUNICIPAL COURT OF THE CITY OF LEBANON, LINN COUNTY, OREGON

CITY OF LEBANON,	)	
	)	Case No.:
vs.	)	
	)	<b>ORDER SETTING ASIDE ARREST</b>
_____	)	<b>AND CONVICTION</b>
Defendant.	)	

**COMES NOW** the Defendant and respectfully moves the Court for an Order setting aside the **ARREST** and **CONVICTION** in the following matter:

Full Name:	Date of Birth:
Social Security Number:	Arrest Charge:
Date of Arrest:	Arresting Agency:
Conviction Charge:	Sentencing Date:

The Court, being fully advised, makes the following findings of fact:

- 1) That a certified copy of the Defendant’s Motion was served on the City Attorney, who has declined the opportunity to contest the Motion;
- 2) That positive identification of the Defendant has been established by the Oregon State Police, Identification Services;
- 3) The circumstances and behavior of the Defendant from the date of conviction warrant setting aside the arrest and conviction.

**NOW, THEREFORE, IT IS HEREBY ORDERED AS FOLLOWS:**

- 1) The above referenced ARREST and CONVICTION are set aside;
- 2) The Clerk of the Court is directed to seal all files and records relating to said proceeding (which includes the record of arrest and the criminal proceeding therein);
- 3) The Clerk of the Court is directed to send a certified copy of this Order to the arresting agency named above and the Oregon State Police, Identification Services. The public agencies receiving a copy of this Order shall seal their records.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Municipal Court Judge

**Submitted by:**

Name:
Address:
City:                      State:                      Zip:
Telephone No.:

IN THE MUNICIPAL COURT OF THE CITY OF LEBANON, LINN COUNTY, OREGON

CITY OF LEBANON, )  
 )  
 ) Plaintiff, ) Case No.:  
 )  
 ) vs. )  
 )  
 ) **MOTION FOR ORDER SETTING**  
 ) **ASIDE ARREST**  
 )  
 \_\_\_\_\_, )  
 ) Defendant. )

**COMES NOW** the Defendant and respectfully moves the Court for an Order setting aside the **ARREST** in the following matter:

Full Name:	Date of Birth:
Social Security Number:	Arrest Charge:
Date of Arrest:	Arresting Agency:

This Motion is based upon ORS 137.225, the records and files contained herein and the attached Affidavit.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Defendant

\_\_\_\_\_  
Mailing Address

\_\_\_\_\_  
City/State/Zip

\_\_\_\_\_  
Telephone Number

IN THE MUNICIPAL COURT OF THE CITY OF LEBANON, LINN COUNTY, OREGON

CITY OF LEBANON, )  
 )  
 Plaintiff, ) Case No.:  
 vs. )  
 ) **AFFIDAVIT IN SUPPORT OF MOTION**  
 ) **FOR ORDER SETTING ASIDE ARREST**  
 \_\_\_\_\_, )  
 Defendant. )

STATE OF OREGON )  
 ) ss.  
 County of Linn )

I, \_\_\_\_\_, being first duly sworn on oath, do depose and say:

- 1) That I am the Defendant in the above-entitled matter. I submit this Affidavit in support of the attached Motion to Set Aside Arrest;
- 2) The information pertaining to this matter as set out in the Motion is true to the best of my knowledge and belief;
- 3) (a) \_\_\_\_\_ More than one (1) year has elapsed since the date of arrest and/or the City Attorney has advised the Court that the City will not pursue charges and no accusatory instrument has been filed against me based upon said arrest; or  
 (b) \_\_\_\_\_ An accusatory instrument was filed against me and has been dismissed; or  
 (c) \_\_\_\_\_ An accusatory instrument was filed against me, but I was acquitted of all charges.
- 4) **WITHIN THE THREE (3) YEAR PERIOD IMMEDIATELY PRECEDING THE FILING OF THIS MOTION, I HAVE NOT BEEN ARRESTED FOR ANY OFFENSE, EXCLUDING MOTOR VEHICLE VIOLATIONS AND EXCLUDING ARRESTS FOR CONDUCT ASSOCIATED WITH THE SAME CRIMINAL EPISODE THAT CAUSED MY ARREST IN THIS MATTER;**
- 5) **WITHIN THE TEN (10) YEAR PERIOD IMMEDIATELY PRECEDING THE FILING OF THIS MOTION, I HAVE NOT BEEN CONVICTED OF ANY OTHER OFFENSE, EXCLUDING MOTOR VEHICLE VIOLATIONS;**
- 6) I do not have any criminal charges pending against me at this time;
- 7) I have not previously had a conviction set aside by order of any Court.

\_\_\_\_\_  
Defendant's Signature

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

\_\_\_\_\_  
Notary Public for Oregon  
My Commission Expires:\_\_\_\_\_

IN THE MUNICIPAL COURT OF THE CITY OF LEBANON, LINN COUNTY, OREGON

CITY OF LEBANON,	)	
	)	Case No.:
vs.	)	
	)	<b>ORDER SETTING ASIDE</b>
_____	)	<b>RECORD OF ARREST</b>
Defendant.	)	

**COMES NOW** the Defendant and respectfully moves the Court for an Order setting aside the **ARREST** in the following matter:

Full Name:	Date of Birth:
Social Security Number:	Arrest Charge:
Date of Arrest:	Arresting Agency:

The Court, being fully advised, makes the following findings of fact:

- 1) That a certified copy of the Defendant’s Motion was served on the City Attorney, who has declined the opportunity to contest the Motion;
- 2) That positive identification of the Defendant has been established by the Oregon State Police, Identification Services;
- 3) The circumstances and behavior of the Defendant since the date of the arrest warrant setting aside the record of arrest.

**NOW, THEREFORE, IT IS HEREBY ORDERED AS FOLLOWS:**

- 1) The above referenced ARREST is set aside;
- 2) The Clerk of the Court is directed to seal all files and records relating to said arrest;
- 3) The Clerk of the Court is directed to send a certified copy of this Order to the arresting agency named above and the Oregon State Police, Identification Services. The public agencies receiving a copy of this Order shall seal their records.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Municipal Court Judge

**Submitted by:**

Name:		
Address:		
City:	State:	Zip:
Telephone No.:		