

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:

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

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 captioned proceedings; that I was convicted by the above entitled court on (date) _____,
2. That the disposition of my case was as follows: _____

3. I have no criminal cases presently pending against me in any court;
4. More than three (3) years have elapsed since said conviction;
5. I have fully complied with and performed the sentence of the Court;
6. 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.

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

AFFIDAVIT IN SUPPORT OF SETTING ASIDE CONVICTION (EXHIBIT "2")

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:

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

3. At least three (3) years have elapsed since the date of pronouncement of judgment;
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 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.

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

STATE OF OREGON,

Plaintiff,

vs.

Defendant.

Case No.: _____

**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