

IN THE CIRCUIT COURT OF THE STATE OF OREGON

FOR MULTNOMAH COUNTY

THE STATE OF OREGON,

Plaintiff,

v.

Defendant.

C#: _____

DA#: _____

**MOTION AND AFFIDAVIT
TO SET ASIDE A RECORD OF ARREST**

COME NOW the defendant and respectfully moves the court for an order to set aside a record of arrest in the above matter pursuant to ORS 137.225. This motion is well founded in law and is made in good faith.

Full Name: _____ Date of birth: _____

Mailing address: _____ Phone No: _____

City: _____ State: _____ Zip Code: _____

Arresting agency: _____ Arrest date: _____

Arrest charge(s): _____

Signature of defendant

If represented by counsel please include a letter of representation with the other materials you submit to our office.

AFFIDAVIT

I, _____, hereby swear or affirm that I am the defendant in the above-entitled matter and that the following is true and submitted in support of my motion to set aside the above-described arrest:

- At least one (1) year has lapsed since the date of my arrest and no formal written complaint or other accusatory instrument has been filed against me, or, I have been found not guilty or acquitted on the charge(s), or, the charges have been dismissed by the state;
- I have not been arrested in connection with any other state, county, city, justice or federal offense (other than motor vehicle violations) within a 3-year period immediately preceding the filing of this motion. This does not include any other arrest for conduct associated with the same criminal episode that caused the arrest, which I now seek to have set aside;
- I have no convictions for any criminal offense within the last 10-years (except motor vehicle infraction convictions);
- I have no outstanding financial obligations owed to the court; and
- I am not presently charged with a crime in this or any other state, county, city, justice or federal court.

SIGNED AND SWORN to before me on _____ day of _____, _____.

Notary Public for Oregon
My commission expires: _____

Date: _____ Signature: _____ Print Signature: _____

MOTION AND AFFIDAVIT MUST BE COMPLETED TO QUALIFY FOR SETTING ASIDE ARREST

Original to: Court / Copies to: District Attorney's Office and Defendant

Multnomah County District Attorney's Office, Portland, OR 97204 - (503) 988-3162