

CITY OF MEDFORD MUNICIPAL COURT, JACKSON COUNTY, OREGON

Case No: _____

Plaintiff)
)
v.)
)

Defendant)

**MOTION TO SET ASIDE AND
DECLARATION IN SUPPORT**
No filing fee

DOB: _____

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

=====

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.

=====

DECLARATION IN SUPPORT

I am not currently charged with a crime

Conviction

Date of conviction: _____

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 of a:
(check all that apply)

Misdemeanor punishable by a fine not exceeding \$1,000 and imprisonment not exceeding

1 one year *and*

- Three years have passed since the conviction *and*
- I have not been convicted of any other offense or found guilty except for insanity in the past three years

3 Misdemeanor punishable by a fine not exceeding \$1,000 and imprisonment not exceeding
4 six months; OR a Misdemeanor punishable by a fine not exceeding \$500 and imprisonment not
5 exceeding 30 days *and*

- 1 year has passed since the conviction *and*
- I have not been convicted of any other offense or found guilty except for insanity in the past year

7 Violation or Contempt of Court *and*

- 1 year has passed since the conviction or finding
- I have not been convicted of any other offense or found guilty except for insanity in the past year

9 Sentence

10 I have fully completed, complied with, or performed all terms of the sentence of the court

11 **Record of Arrest, Citation, or Charge**

12 Date of arrest: _____

13 Arresting agency: _____

14 I am eligible to have the record of arrest, citation, or charge set aside because:

- 16 No accusatory instrument was filed and at least 60 days have passed since the
17 prosecuting attorney indicated that prosecution/contempt would not be pursued **or**
- 18 An accusatory instrument was filed and I was acquitted or the case was dismissed
19 **AND**
- 20 My motion to set aside pertains to a misdemeanor punishable by a fine not
21 exceeding \$1,000 and imprisonment not exceeding one year, and I have not been
22 convicted of any other offense or found guilty except for insanity in the past three
23 years **or**
- 24 My motion to set aside pertains to a misdemeanor punishable by a fine not
25 exceeding \$1,000 and imprisonment not exceeding six months; OR a misdemeanor
26 punishable by a fine not exceeding \$500 and imprisonment not exceeding 30 days,
27 and I have not been convicted of any other offense or found guilty except for insanity
28 in the past year **or**
- 29 My motion to set aside pertains to a violation or contempt of court, and I have not
30 been convicted of any other offense or found guilty except for insanity in the past
31 year

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

=====

Fingerprints

- I have sent a copy of my fingerprints to the Department of State Police
- I will send a copy of my fingerprints to the Department of State Police

I hereby declare that the above statements are true to the best of my knowledge and belief. I understand they are made for use as evidence in court and I am subject to penalty for 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 States mail a true and complete copy of this Motion to Set Aside and Declaration in Support to the Medford City Attorney's Office at 411 W. 8th Street, #260, Medford, OR 97501.

_____ Date

_____ Signature

_____ Name (typed or printed)