

## PACKET B: Arrest and Convicted of Charge(s)

Things you will need to complete this process:

- Forms
- Judgment of Conviction
- Certified check for \$80 made payable to the Oregon State Police
- One Complete Set of Fingerprints
- Payment of Filing Fee with the Court
- A clear understanding of the law in the matter. Read ORS 137.225 carefully

### PRIOR TO FILING

**Determine if your conviction is subject to Expungement** - Read ORS 137.225(5) carefully to make sure your conviction is subject to expungement. Even if your conviction does qualify, there is a longer waiting period if you were convicted of more than one offense. See ORS 137.225(6). If your conviction is excluded, the Court has no authority to grant your motion and it will be denied. Failure to understand the law as it relates to your situation can be costly.

**Forms** - You may purchase the forms from any office supply store, or you may use these forms as examples to file your request. There should be four forms in the packet: The Motion, the Affidavit, the Order, and the Certificate of Service.

You need to complete the forms and have your signature notarized on the Affidavit. **Do not sign the Affidavit until you are in the presence of a Notary.** Complete all the information on the Motion, Affidavit, and Order.

**Fingerprints** - You will need a complete set of your fingerprints. Finger printing services are available at county law enforcement agencies.

**Copies** - In addition to the original forms that you will file with the Court, you are required to serve (give) the Beaverton City Attorney's Office (CA) a copy of the Motion, Affidavit and Order that you are filing with the Court. So, when you have completed the forms, make a copy of the Motion, Affidavit and Order. You may wish to make a copy for yourself as you will be filing the original with the Court.

**Service on the City Attorney** - When you have a complete set of your fingerprints, completed the forms, and made copies, take the City Attorney copies to their office located on the second floor of the Beaverton City Hall Building, 4755 SW Griffith Drive, Beaverton; or you may mail them to: POB 4755, Beaverton, Oregon 97076, attention Beaverton City Attorney's Office. With their copies of the documents, you MUST include your set of fingerprints and the certified check for \$80 made payable to the Oregon State Police.

## **FILING YOUR PAPERS**

Mail or personally file all the original forms with the Beaverton Municipal Court, located at 4755 SW Griffith Drive, (first floor), or by mail to: Beaverton Municipal Court, POB 4755, Beaverton, OR 97076. Make sure that you have completed all the blanks on the Motion and the Affidavit, and have filled in your name on the Order form. Make sure that you have signed and have had your signature notarized on the Affidavit.

## **WHAT HAPPENS NOW?**

The City Attorney (CA) has the right to object to your request to have the records of your arrest set aside. They will send your fingerprints to the Oregon State Police State Identification Bureau to confirm your identity and to see if there have been any other incidents that would cause them to want to object to your request. When the State ID Bureau has completed their investigation, they will send the results back to the CA. The CA will file a Motion with the Court in response to your request. The CA will either object or not oppose your Motion. The Court will then decide, based upon the information presented, whether to grant or deny your request. If the Court grants your request, a Judge will sign the Order that you submitted. Certified copies will be sent to those agencies that have your arrest records and also to you. The Court will also order the Court's file which contains your request be sealed. If the Court denies your request, a notice will be sent to you advising you that your request was denied.

Under ORS 137.225, victims of crime have the right to be present at a hearing on motions to set aside convictions for crimes in which they were a victim, and to make a statement if they desire. The Court may consider their statement, along with the circumstances and behavior of the defendant and the requirements of law, in deciding whether to set aside the conviction. Regardless of whether or not you are otherwise eligible to set aside your conviction, a hearing will be set if the victim requests one.

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IN THE MUNICIPAL COURT OF THE CITY OF BEAVERTON

COUNTY OF WASHINGTON, STATE OF OREGON

STATE OF OREGON/CITY OF BEAVERTON, )

Plaintiff(s), )

v. )

\_\_\_\_\_ )

Defendant. )

Case No. \_\_\_\_\_

MOTION TO SET ASIDE RECORDS OF  
ARREST AND CONVICTION

Comes now, Defendant, and hereby moves this court for an Order setting aside the conviction and sealing the arrest records of the Defendant. A copy of the judgment of conviction is attached hereto, marked as Exhibit 1 and by this reference made a part hereof.

This motion is based upon ORS 137.225 and Defendant's affidavit hereto attached and marked as Exhibit 2 and by this reference made a part hereof.

\_\_\_\_\_  
Defendant Signature

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Address

\_\_\_\_\_  
City,

\_\_\_\_\_  
State Zip

\_\_\_\_\_  
Phone

I selected this document for myself, and I completed it without paid assistance.

\_\_\_\_\_  
Dated

\_\_\_\_\_  
Defendant Signature

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IN THE MUNICIPAL COURT OF THE CITY OF BEAVERTON  
COUNTY OF WASHINGTON, STATE OF OREGON

STATE OF OREGON/CITY OF BEAVERTON, )  
 ) Case No. \_\_\_\_\_  
 )  
 ) Plaintiff(s), )  
 )  
 ) AFFIDAVIT IN SUPPORT OF  
 ) v. ) MOTION TO SET ASIDE RECORDS OF  
 ) ARREST AND CONVICTION  
 ) (EXHIBIT 2)  
 )  
 ) \_\_\_\_\_ )  
 )  
 ) Defendant. )

STATE OF OREGON, )  
 )  
 ) ss.  
 )  
 ) County of Washington )

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

I am the defendant in these proceedings and I am filing this Affidavit in Support of my  
Motion to Set Aside Conviction and to seal the records of my arrest.

The arrest that I am seeking to have set aside occurred on \_\_\_\_\_, and  
the charge(s) that I was/were arrested for:

\_\_\_\_\_

The charge(s) I was/were convicted of:

\_\_\_\_\_

The date of my conviction was \_\_\_\_\_.

This conviction occurred more than three (3) years ago. I have no criminal cases  
presently pending against me in any court. I have no criminal convictions in the ten (10) year

1 period immediately preceding the filing of this motion, excluding motor vehicles violations. I  
2 have not had a conviction set aside within the ten (10) year period immediately preceding this  
3 filing of this Motion and have no other similar motions pending in this or any other court.

4 I have fully complied with and performed all provisions of the sentence herein.

5 A copy of this Affidavit and a copy of my Motion to Set Aside Conviction and Seal  
6 Records of Arrest have been served upon the Beaverton City Attorney's Office.

7 A complete set of my fingerprints, along with a certified check made payable to the  
8 Oregon State Police for their processing costs, have been served on the Beaverton City  
9 Attorney's Office.

10 I am not now charged with the alleged commission of any crime.

11 \_\_\_\_\_  
12 Defendant Signature

13 SIGNED AND SWORN TO before me on \_\_\_\_\_

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

16 \_\_\_\_\_  
17 Print Name Date

18 \_\_\_\_\_  
19 Address

20 \_\_\_\_\_  
21 City, State Zip

22 \_\_\_\_\_  
Phone

I selected this document for myself, and I completed it without paid assistance.

\_\_\_\_\_  
Dated Defendant Signature

1 IN THE MUNICIPAL COURT OF THE CITY OF BEAVERTON

2 COUNTY OF WASHINGTON, STATE OF OREGON

3 STATE OF OREGON/CITY OF BEAVERTON, )

4 Plaintiffs )

5 v. )

6 \_\_\_\_\_ )

7 Defendant. )

) Case No. \_\_\_\_\_

) ORDER TO SET ASIDE CONVICTION AND  
) SEAL RECORDS OF ARREST  
) AND CONVICTION

8 THIS MATTER having come before the Court on Defendant's Motion for an Order  
9 Setting Aside Conviction and Sealing Records of Arrest, pursuant to ORS 137.225; the State of  
10 Oregon having no objection, and the court being fully advised herein, the court makes the  
11 following FINDINGS OF FACT and CONCLUSIONS OF LAW:

- 12 1. A copy of the Motion to Set Aside Conviction, Affidavit in Support and a complete set of
- 13 the Defendant's fingerprints were served upon the Beaverton City Attorney's Office.
- 14 2. The Oregon State Police Bureau of Identification and Information has made positive
- 15 identification of this Defendant and further identified this Defendant by:

16 FBI Identification Number \_\_\_\_\_

17 Oregon State Bureau Number \_\_\_\_\_

18 Submitting Agency Number \_\_\_\_\_

18 Arrest on Charge(s) of: \_\_\_\_\_

19 NOW THEREFORE IT IS HEREBY ORDERED that the Defendant's arrest of

20 \_\_\_\_\_, be and the same is, hereby set aside and the

21 Defendant herein is deemed not to have previously been arrested of said crime; and

22

1 IT IS FURTHER ORDERED that the record of arrest and conviction of the Defendant  
2 be, and the same is hereby, set aside. For purposes of law, the defendant is hereby deemed not to  
3 have been previously convicted of the offense.

4 IT IS FURTHER ORDERED that the record of arrest and any other official records in the  
5 case, including the records of arrest resulting in the criminal proceedings, be sealed.

6 IT IS FURTHER ORDERED that the Clerk of the Court forward a certified copy of this  
7 order to the Director, Bureau of Identification and Investigation, Department of Oregon State  
8 Police, Washington County Community Corrections, Beaverton City Attorney's Office and  
9 Beaverton Police Department.

10 DATED: \_\_\_\_\_  
11 Judge \_\_\_\_\_

12 Submitted by:

13  
14 \_\_\_\_\_  
DEFENDANT NAME Date  
15 \_\_\_\_\_  
Address  
16 \_\_\_\_\_  
City, State Zip  
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Phone  
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