

IN THE MUNICIPAL COURT OF THE CITY OF SPRINGFIELD,
COUNTY OF LANE, STATE OF OREGON

THE CITY OF SPRINGFIELD

Plaintiff,

vs.

Defendant.

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Docket No. _____
Police Case no. _____

Motion to Set Aside Records of Arrest
Dismissal or Acquittal

COMES NOW the Defendant in this matter and respectfully moves the Court for an Order setting aside and sealing the arrest records of the Defendant for the charge of _____ herein, and sealing all records thereof, for the reason that the charge has been dismissed or the Defendant was acquitted as set forth in the record herein.

This Motion is based upon the record herein and upon the attached Affidavit. This motion is made pursuant to ORS 137.225, in good faith.

Dated this ____ of _____, 20__.

Signature of Defendant/Defense Attorney

SUBMITTED BY: (Please Print)

Name of Defendant or Defense Attorney

Bar #

Address

City

State

Zip

Phone Number

IN THE MUNICIPAL COURT OF THE CITY OF SPRINGFIELD,
COUNTY OF LANE, STATE OF OREGON

THE CITY OF SPRINGFIELD

Plaintiff,

vs.

Defendant.

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Docket No. _____
Police Case no. _____

**Affidavit in Support of Motion to Set
Aside Records of Arrest**

I, _____, do hereby depose and say that:

I am the Defendant herein, and I am filing this Affidavit in Support of my Motion to Set Aside and to Seal the records of my arrest;

I was arrested by the Springfield Police Department on _____ for the offense of _____;

I have been acquitted of the charge in this case or it has been dismissed by the court;

I have no criminal cases presently pending against me in any court;

I have no convictions for any offense, excluding motor vehicle violations, within the ten (10) year period immediately preceding the filing of this Motion;

I have not had a conviction set aside within the ten (10) year period immediately preceding the filing of this Motion and have no other similar motions pending in this or any other court;

I have not been arrested for any other matter within the last three (3) years;

Dated this ____ day of _____, _____.

Signature of Defendant

SUBSCRIBED AND SWORN TO before me this ____ day of _____, _____.

My Commission Expires: _____

Notary Public of Oregon/
Clerk of Court

IN THE MUNICIPAL COURT OF THE CITY OF SPRINGFIELD,
COUNTY OF LANE, STATE OF OREGON

THE CITY OF SPRINGFIELD)
)
 Plaintiff,)
 vs.)
)
 _____)
 Defendant.)

Docket No. _____
Police Case no. _____

**Order to Set Aside and Seal
Records of Arrest**

THIS MATTER COMES NOW before the Court on Defendant’s motion to set aside and seal the record of arrest in the above-entitled case pursuant to ORS 137.225, and the Court being fully advised, makes the following findings of facts and conclusions of law:

1. A copy of the Motion to Set Aside and Seal Records of Arrest was served upon the Springfield City Prosecutor, who has declined the opportunity to contest the Motion.
2. The original date of the Defendant’s arrest was _____ for the offense of _____ .
3. The charge was dismissed or Defendant was acquitted on:
4. The arresting agency was the Springfield Police Department.
5. Positive identification of Defendant has/ has not been established by the Department of State Police Criminal Identification Services, SID No. _____.
6. Defendant is not now under charge of commission of any crime.
7. Excluding motor vehicle violations, Defendant has not been convicted of any other offenses within the 10 year period immediately preceding the filing of this Motion.
8. Excluding arrests for conduct associated with the same criminal episode that caused the arrest in this matter, Defendant has not been arrested or criminally charged for or charged with an offense within the three-year period immediately preceding the filing of this motion.

It appearing to the Court that the circumstances and behavior of Defendant from the date of arrest to the date of hearing on this motion so warrant, and Court being fully advised in the premises,

NOW THEREFORE IT IS HEREBY ORDERED that Defendant’s arrest for _____ in this matter be, and the same is, hereby set aside, and deemed not to have occurred;

IT IS FURTHER ORDERED that all other official records in the case including the records of arrest, citation or charge be set aside and sealed, and Defendant is deemed not to have been previously arrested, cited, or charged for said crime; and that all law enforcement agencies eliminate all references to Defendant’s arrest, citation, or charge in this matter.

IT IS FURTHER ORDERED that the Clerk of the Court forward a certified copy of this order to all appropriate criminal justice agencies.

IT IS FINALLY ORDERED that thereafter the records of arrest, citation or charge herein shall be sealed together with all other official Court records in the case.

IT IS SO ORDERED this _____ day of _____, _____.

Springfield Municipal Court Judge