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

| | | |
|---|---|---|
| THE CITY OF SPRINGFIELD | ) | |
| | ) | Docket No. _____ |
| Plaintiff, | ) | Police Case no. _____ |
| vs. | ) | |
| | ) | |
| _____ | ) | **Motion to Set Aside Records of Arrest** |
| | ) | No Accusatory Instrument Filed |
| Defendant. | ) | |

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 in the above-entitled matter. Said arrest occurred on _____, and did not result in the filing of an accusatory instrument.

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 | ) | |
| | ) | Docket No. _____ |
| Plaintiff, | ) | Police Case no. _____ |
| vs. | ) | |
| | ) | |
| _____ | ) | **Affidavit in Support of Motion to Set** |
| | ) | **Aside Records of Arrest** |
| Defendant. | ) | |

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 Seal the records of my arrest;

This arrest occurred more than one (1) year ago;

The City Prosecutor did not file any charges based on this arrest;

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;

The arrest that I am seeking to have set aside occurred on _____;

The charge that I was arrested for on the above date was: _____.

Arresting agency and incident number: Springfield Police Department _____.

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 | ) | |
| | ) | Docket No. _____ |
| Plaintiff, | ) | Police Case no. _____ |
| vs. | ) | |
| | ) | |
| _____ | ) | **Order to Set Aside and Seal** |
| | ) | **Records of Arrest** |
| Defendant. | ) | |

THIS MATTER COMES NOW before the Court on Defendant's Motion to Set Aside and Seal Records of Arrest 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 Defendant's arrest was _____for the offense of _____
3. More than one year has elapsed since the date of arrest and no accusatory instrument has been filed against Defendant based on the above arrest.
4. The arresting agency was 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 the 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 to have not 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 other official Court records in this case.

IT IS SO ORDERED this _____day of _____, _____.

_____
Springfield Municipal Court Judge