

PACKET A: Arrest but no conviction

Things you will need to complete this process:

- > Forms
- > One Complete Set of Fingerprints
- > Information on Charges Filed and Corresponding Case Number
- > A clear understanding of the law in the matter. Read ORS 137.225 carefully

PRIOR TO FILING

Determine if your arrest is subject to Expungement - Read ORS .137.225(1)(b)

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.)

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, Affidavit, and Order. 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 approve of the set aside. 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.

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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))
) MOTION TO SET ASIDE RECORDS OF
v.) ARREST
)
_____)
Defendant.)

Comes now the Defendant, and hereby moves this Court for an Order setting aside the arrest and sealing the arrest and official records in this case, pursuant to the provisions of ORS 137.225.

This motion is based upon the facts set forth in the attached affidavit filed herein and incorporated herein as Exhibit 2.

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,)

Plaintiff(s),)

v.)

_____)

Defendant.)

Case No. _____

AFFIDAVIT IN SUPPORT OF
MOTION TO SET ASIDE RECORDS OF
ARREST

(EXHIBIT 2)

STATE OF OREGON,)

County of Washington)

) ss.

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

I am the Defendant herein, and I am filing this Affidavit in support of my Motion to Set
Aside Records of Arrest pursuant to ORS 137.225.

I am the Defendant in these proceedings. The arrest that I am seeking to have set aside
occurred on _____ I was arrested and charged with the following offense(s):

I appeared before the Honorable _____, Judge of the Beaverton
Municipal Court. The disposition of my case was as follows:

1 This arrest occurred more than one (1) year ago. I have no criminal cases presently
2 pending against me in any court. I have no criminal convictions in the ten (10) year period
3 immediately preceding the filing of this motion, excluding motor vehicles violations. I have not
4 had a conviction set aside within the ten (10) year period immediately preceding this filing of
5 this Motion and have no other similar motions pending in this or any other court.

6 I have not been arrested for any other matter unassociated with this within the last three
7 (3) years, excluding motor vehicle violations.

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

10 A complete set of my fingerprints have been served on the Beaverton City Attorney's
11 Office.

12 _____
13 Defendant Signature

14 SIGNED AND SWORN TO before me on _____

15 _____
16 Notary Public for Oregon
My Commission Expires: _____

17 _____
Print Name Date

18 _____
Address

19 _____
City, State Zip

20 _____
Phone

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

22 _____
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 Plaintiff(s),)

5 v.)

6 _____)

7 Defendant.)

) Case No. _____

) ORDER TO SET ASIDE AND SEAL
) RECORDS OF ARREST

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

12 FINDINGS OF FACT and CONCLUSIONS OF LAW:

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

18 FBI Identification Number _____

19 Oregon State Bureau Number _____

20 Submitting Agency Number _____

Arrest on Charge(s) of: _____

- 21 3. That the circumstances and behavior of the Defendant from the date of arrest are found to
- 22 warrant setting aside records of that arrest;

1 NOW THEREFORE IT IS HEREBY ORDERED that the record of arrest maintained by any
2 law enforcement agency regarding the Defendant and the arrest be, and the same is, hereby set
3 aside and the Defendant herein is deemed not to have been previously been arrested for said
4 crime; and

5 IT IS FURTHER ORDERED that the Clerk of the Court forward a certified copy of this
6 order to all appropriate criminal justice agencies, including the Beaverton City Attorney's Office
7 and Department of Oregon State Police and Beaverton Police Department.

8 IT IS FURTHER ORDERED that thereafter the record of this action herein shall be
9 sealed together with other official Court records in this case, including investigation reports of
10 involved law enforcement agencies concerning the alleged criminal episode.

11 DATED: _____ Judge _____
12

13 Submitted by:

14 _____
15 DEFENDANT NAME Date
16 _____
17 Address
18 _____
19 City, State Zip
20 _____
21 Phone
22 _____

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.

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Case No. _____

CERTIFICATE OF SERVICE

STATE OF OREGON

WASHINGTON COUNTY

I, _____, do hereby certify that I have served the foregoing Motion to Set Aside Records of Arrest, Affidavit in Support of Motion to Set Aside Records of Arrest, Order to Set Aside and Seal Records of Arrest, and an original full set of Defendant's fingerprints on the following party: BEAVERTON CITY ATTORNEY'S OFFICE by delivering copies to:

BEAVERTON CITY ATTORNEY'S OFFICE, POB 4755, BEAVERTON, OREGON 97076

Dated this _____

Defendant's Signature