

1                                    **PACKET B: ARRESTED BUT NOT CONVICTED**

2                    **Before filing this paperwork, please read ORS 137.225 carefully to verify you are eligible to have your arrest**  
3                    **and conviction expunged.**

4                    **PRIOR TO FILING:**

5  
6                    **Oregon State Police Policy** - Visit <https://www.oregon.gov/osp/programs/cjis/Pages/Criminal-Justice-Information-Services.aspx> for instructions on obtaining a fingerprint card and requesting a Criminal  
7                    Background Check.

8  
9                    **Forms** – Once you have submitted the Request to Set Aside Criminal Record Check to the Oregon State  
10                    Police with your fingerprint card, complete the attached Motion, Affidavit, Order and Certificate of  
11                    Service. **Be sure to sign your Affidavit in the presence of a Notary Public.** Canby City Hall provides  
12                    Notary Services on Fridays for a fee. Please call (503)266-0601 to schedule an appointment.

13                    **Filing** – Mail or hand deliver the original Motion, Affidavit, Order and Certificate of Service to the  
14                    Canby Municipal Court at 222 NE 2<sup>nd</sup> Avenue, PO Box 930, Canby, OR. 97013.

15                    **Copies** – Mail or hand deliver a copy of the Motion, Affidavit, Order and Certificate of Service to the  
16                    Canby City Prosecutor, 1175 NW 3<sup>rd</sup> Avenue, Canby, OR. 97013, at the same time the motion is filed  
17                    with the Canby Municipal Court.

17                    **WHAT HAPPENS NOW:**

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19                    The Oregon State Police will return your criminal record check to the Court’s City Prosecutor. The City  
20                    Prosecutor will then review the motion and notify the court if there are any objections. If there are no  
21                    objections, the court will then provide the Motion and Affidavit to Judge Grafe for approval or denial.

22                    Upon approval, signed copies are forwarded to the City Prosecutor, Oregon State Police, Clackamas  
23                    County Sheriff’s Office, Canby Police Department and any other involved agencies. Any agency with  
24                    record of the arrest and conviction will be required to set aside and seal all records. It could take several  
25                    months for all agencies to expunge their records. A copy of the signed order will be mailed to Defendant.  
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1 IN THE MUNICIPAL COURT OF THE CITY OF CANBY  
2 COUNTY OF CLACKAMAS, STATE OF OREGON

3  
4 CITY OF CANBY,

5 Plaintiff,

6 vs.

7  
8 Defendant

Case No.:

MOTION TO SET ASIDE ARREST  
AND SEAL RECORDS

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10  
11  
12 Comes now, Defendant, and hereby moves this court for an Order setting aside the arrest  
13 and sealing the official records in this case.

14 This motion is based upon ORS 137.225 and Defendant's affidavit hereto attached and  
15 marked as Exhibit 1 and by this reference made a part hereof.

16 Dated this \_\_\_\_\_.

17  
18  
19 \_\_\_\_\_  
Defendant Signature

20  
21  
22 \_\_\_\_\_  
Defendant Name Date of Birth

23 \_\_\_\_\_  
Address

24 \_\_\_\_\_  
City State Zip

25 \_\_\_\_\_  
Phone

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

27  
28 Dated: \_\_\_\_\_

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

1 IN THE MUNICIPAL COURT OF THE CITY OF CANBY  
2 COUNTY OF CLACKAMAS, STATE OF OREGON  
3

4 CITY OF CANBY,

5 Plaintiff,

6 vs.

7 \_\_\_\_\_,  
8 Defendant  
9  
10

Case No:

ORDER TO SET ASIDE ARREST AND  
SEAL RECORDS

11 STATE OF OREGON )  
12 ) ss.  
13 County of \_\_\_\_\_ )

14 This matter having come before the Court on Defendant's Motion to Set Aside Arrest and  
15 Seal Records pursuant to ORS 137.255; the State of Oregon having no objection, and the court  
16 being fully advised herein, makes the following FINDING OF FACT and CONCLUSIONS OF  
17 LAW:  
18

- 19 1. The date of the original arrest of Defendant on the above case was: \_\_\_\_\_  
20 2. The original charge against Defendant was \_\_\_\_\_  
21 3. The submitting agency was \_\_\_\_\_  
22 4. Defendant's date of birth is \_\_\_\_\_  
23 5. The Oregon State Police Bureau of Identification and Information has made  
24 positive identification of this Defendant.

25 6. The circumstances and behavior of the Defendant from the date of arrest are  
26 found to warrant setting aside records of the arrest and sealing records.  
27

28 NOW THEREFORE IT IS HEREBY ORDERED that the record of arrest of Defendant  
29 for the offense of \_\_\_\_\_ which occurred on \_\_\_\_\_, be,  
30 and the same is, hereby set aside and the Defendant is hereby deemed to not have been so  
31 arrested.  
32

1 IT IS FURTHER ORDERED that the arrest is deemed not to have occurred, and the  
2 Defendant may accordingly answer any questions relating to its occurrence as if the arrest had  
3 not occurred.

4 IT IS FURTHER ORDERED that the Clerk of the Court forward a certified copy of this  
5 order to all appropriate criminal justice agencies, including the Canby City Prosecutor's Office,  
6 Department of Oregon State Police, Canby Police Department, Clackamas County Sheriff's  
7 Office and all other involved agencies.

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 agencies concerning the alleged criminal episode.

11 Dated this \_\_\_\_\_.

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16  
17 Judge \_\_\_\_\_

18 Submitted By:

19  
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21  
22 \_\_\_\_\_  
23 Defendant Name Date of Birth

24 \_\_\_\_\_  
25 Address

26 \_\_\_\_\_  
27 City State Zip

28 \_\_\_\_\_  
29 Phone

1  
2 IN THE MUNICIPAL COURT OF THE CITY OF CANBY  
3 COUNTY OF CLACKAMAS, STATE OF OREGON  
4

5 CITY OF CANBY,

6 Plaintiff,

7 vs.

8 \_\_\_\_\_,

9 Defendant

Case No.:

AFFIDAVIT IN SUPPORT OF MOTION TO  
SET ASIDE ARREST AND SEAL  
RECORDS

(EXHIBIT 1)

10  
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12  
13 STATE OF OREGON )  
14 County of \_\_\_\_\_ ) ss.

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

16 I am the Defendant in these proceedings and I am filing this Affidavit in support of my  
17 Motion to Set Aside Arrest and Seal Records.

18  
19 The arrest that I am seeking to have set aside occurred on \_\_\_\_\_, and I was  
20 arrested on charge(s) of: \_\_\_\_\_  
21

22 The arrest should be set aside because (check one):

23 \_\_\_\_\_ No accusatory instrument was filed in connection with the arrest. At least  
24 60 days have elapsed since the date of arrest.

25 \_\_\_\_\_ I was acquitted of the charge brought against me in connection with the  
26 arrest.

27 \_\_\_\_\_ The charge brought against me in connection with the arrest was  
28 dismissed.  
29  
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1 A copy of this Affidavit and a copy of my Motion to Set Aside Arrest and Seal Records  
2 have been served upon the Canby City Prosecutor's Office.

3 Dated this \_\_\_\_\_.  
4

5  
6 \_\_\_\_\_  
7 Defendant Signature

8 Subscribed and sworn before me on this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ by

9 \_\_\_\_\_.

10 \_\_\_\_\_  
11 Notary Public of Oregon  
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1 IN THE MUNICIPAL COURT OF THE CITY OF CANBY  
2 COUNTY OF CLACKAMAS, STATE OF OREGON  
3

4 CITY OF CANBY,

5 Plaintiff,

6 vs.

7 \_\_\_\_\_,  
8 Defendant  
9  
10

Case No:

CERTIFICATE OF SERVICE

11 STATE OF OREGON )  
12 ) ss.  
13 County of \_\_\_\_\_ )

14 I, \_\_\_\_\_, do hereby certify that I have served copies  
15 of the foregoing Motion to Set Aside Arrest and Seal Records, Affidavit in Support of Motion to  
16 Set Aside Arrest and Seal Records, and Order to Set Aside Arrest and Seal Records  
17 on the Canby City Prosecutor's Office at 1175 NW 3<sup>rd</sup> Avenue, Canby, OR. 97013.  
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19 Dated this \_\_\_\_\_.  
20

21 \_\_\_\_\_  
22 Defendant  
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