

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

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 Background Check.

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

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

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

Upon approval, signed copies are forwarded to the City Prosecutor, Oregon State Police, Clackamas County Sheriff's Office, Canby Police Department and any other involved agencies. Any agency with record of the arrest and conviction will be required to set aside and seal all records. It could take several months for all agencies to expunge their records. A copy of the signed order will be mailed to Defendant.

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

5 CITY OF CANBY,

6 Plaintiff,

7
8 vs.

9
10 Defendant

Case No.:

MOTION TO SET ASIDE RECORDS OF
CONVICTION AND SEAL RECORDS OF
ARREST

11
12
13 Comes now, Defendant, and hereby moves this court for an Order setting aside the
14 conviction and sealing the arrest records of the Defendant. A copy of the judgment of conviction
15 is attached hereto, marked as Exhibit 1, and by this reference made a part hereof.
16

17 This motion is based upon ORS 137.225 and Defendant's affidavit hereto attached and
18 marked as Exhibit 2 and by this reference made a part hereof.
19

20 Dated this _____.

21
22 _____
23 Defendant Signature

24
25 Defendant Name Date of Birth

26 Address

27 City State Zip

28 Phone

29 I selected this document for myself, and I completed it without paid assistance.
30

31 Dated: _____

32 _____
Defendant Signature

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

6 CITY OF CANBY,

7 Plaintiff,

8 vs.
9

10 _____,
11 Defendant
12
13

Case No:

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

14 STATE OF OREGON)
15) ss.
16 County of _____)

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

21 1. The date of the original arrest of Defendant on the above case was: _____
22 2. The original charge against Defendant was _____
23 3. The submitting agency was _____
24 4. Defendant's date of birth is _____
25 5. The Oregon State Police Bureau of Identification and Information has made
26 positive identification of this Defendant.
27

28 6. The circumstances and behavior of the Defendant from the date of arrest are
29 found to warrant setting aside records of the arrest and conviction.

30 NOW THEREFORE IT IS HEREBY ORDERED that the record of arrest of Defendant
31 for the offense of _____ which occurred on _____, be,
32

1 and the same is, hereby set aside and the Defendant is hereby deemed to not have been so
2 arrested.

3 IT IS FURTHER ORDERED that the record of conviction of Defendant for the offense
4 of _____ which occurred on _____, be, and the same is,
5 hereby set aside and the Defendant is hereby deemed to not have been so convicted.
6

7 IT IS FURTHER ORDERED that the arrest and conviction are deemed not to have
8 occurred, and the Defendant may accordingly answer any questions relating to its occurrence as
9 if the arrest and conviction had not occurred.
10

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

15 IT IS FURTHER ORDERED that thereafter the record of this action herein shall be
16 sealed together with other official Court records in this case, including investigation reports of
17 involved agencies concerning the alleged criminal episode.
18

19 Dated this _____.

20
21
22 _____
23 Judge
24

25 Submitted By:

26
27 _____
28 Defendant Name Date of Birth

29 _____
Address

30 _____
31 City State Zip

32 _____
Phone

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

6 CITY OF CANBY,

7 Plaintiff,

8 vs.
9

10
11 Defendant

Case No.:

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

(EXHIBIT 2)

12
13
14 STATE OF OREGON)

15) ss.
16 County of _____)

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

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

20 The arrest that I am seeking to have set aside occurred on _____, and I was
21 arrested on charge(s) of: _____
22

23
24 I was convicted of _____
25

26 The date of my conviction was _____
27

28 This conviction occurred more than three (3) years ago.

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

30 I have fully complied with and performed all provisions of the sentence herein.
31
32

1 A copy of this Affidavit and a copy of my Motion to Set Aside Conviction and Seal
2 Records of Arrest 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
12
13
14
15

16 _____
17 Defendant Name Date of Birth

18 _____
19 Address

20 _____
21 City State Zip

22 _____
23 Phone

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

25 Dated: _____
26
27

28 _____
29 Defendant Signature
30
31
32

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

5 CITY OF CANBY,

6 Plaintiff,

7
8 vs.

9 _____,
10 Defendant

Case No:

CERTIFICATE OF SERVICE

11
12
13 STATE OF OREGON)
14) ss.
15 County of _____)

16 I, _____, do hereby certify that I have served copies
17 of the foregoing Motion to Set Aside Records of Conviction and Seal Records of Arrest,
18 Affidavit in Support of Motion to Set Aside Records of Conviction and Seal Records of Arrest,
19 and Order to Set Aside Records of Conviction and Seal Records of Arrest on the Canby City
20 Prosecutor's Office at 1175 NW 3rd Avenue, Canby, OR. 97013.
21

22 Dated this _____.
23
24

25 _____
26 Defendant
27
28
29
30
31
32