

**IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR MULTNOMAH COUNTY**

STATE OF OREGON,

PLAINTIFF,

V.

Court case #: \_\_\_\_\_

DA case #: \_\_\_\_\_

**MOTION AND DECLARATION TO  
SET ASIDE A CONVICTION**

IN PART (I am only moving to set aside some charges)

COMES NOW the defendant and respectfully moves the court for an order to set aside the conviction in the above matter pursuant to ORS 137.225. This motion is well founded in law and is made in good faith.

Full Name: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

Mailing Address: \_\_\_\_\_ Phone Number: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Arresting Agency: \_\_\_\_\_ Arrest Date: \_\_\_\_\_ Conviction Date: \_\_\_\_\_

Convicted Charge(s): \_\_\_\_\_

(Optional) Additional Info/Request: \_\_\_\_\_

If you are represented by an attorney, please include a letter of representation with your submission.

Defendant's Signature \_\_\_\_\_

**DECLARATION SUPPORTING MOTION TO SET ASIDE A CONVICTION**

I, \_\_\_\_\_, hereby declare that the following statement is true to the best of my knowledge and belief and that I understand it is made for use as evidence in court and is subject to penalty for perjury:

1. I am the defendant named in the above-entitled matter;
2. My conviction is for one of the offenses which ORS 137.225 allows to be set aside;
3. The following time has passed since the date of my conviction or release from prison (whichever is later):
  - a. If my motion is for a **Class B Felony**, seven (7) years;
  - b. If my motion is for a **Class C Felony** or **Contempt** for violating an order related to abuse or a person crime, five (5) years;
  - c. If my motion is for a **Class A Misdemeanor**, three (3) years;
  - d. If my motion is for a **Class B Misdemeanor**, a **Class C Misdemeanor**, a **Violation**, or **Contempt** (not subject to the five year waiting period), one (1) year;
4. I have not been convicted of any other felony, misdemeanor, or violation level offense (other than traffic violations or one non-traffic violation) and have not been found in contempt for violating an order related to abuse or a person crime within the time period described in paragraph (3) above. I understand this includes any convictions or findings of contempt previously set aside in any jurisdiction;
5. If my probation was revoked on this case, at least three (3) years have passed since the date of revocation;
6. I fully complied with and performed the sentence of the court, including payment of all financial obligations;
7. I have no pending criminal charges or contempt (related to abuse or a person crime) cases in any court;
8. Within 7 days of serving this motion on MCDA, I submitted my fingerprints to the Oregon State Police; and
9. I understand that if my conviction involved a victim, the District Attorney will notify the victim of this motion.

**Defendant's Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

PLEASE COMPLETE THE CERTIFICATE OF SERVICE ON THE FOLOWING PAGE

**BOTH PAGES OF THIS FORM MUST BE COMPLETED TO QUALIFY FOR SETTING ASIDE A CONVICTION**

**CERTIFICATE OF SERVICE**

**Before** filing this motion with the Multnomah County Circuit Court, I served this motion on the Multnomah County District Attorney's Office by (**CHECK ONE**):

Email to: [expungements@mcdca.us](mailto:expungements@mcdca.us);

Mail to: MCDA, Attn: Expungements, 1200 SW First Ave., Suite 5200, Portland, OR 97204;

Hand delivery to: MCDA, Attn: Expungements, 1200 SW First Ave., Suite 5200, Portland, OR 97204

**Printed Name:** \_\_\_\_\_ **Date of Email/Mail/Hand delivery:** \_\_\_\_\_

**Signature:** \_\_\_\_\_ **Bar Number (if applicable):** \_\_\_\_\_

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**CONSENT TO SERVICE BY EMAIL**

Please check one:

I consent to service by email; I consent to receive all future communications from the Multnomah County District Attorney's Office regarding this motion to set aside through email at the following email address:

Email Address: \_\_\_\_\_

I do NOT consent to service by email; I would like to receive all future communications from the Multnomah County District Attorney's Office regarding this motion to set aside by mail.