

**IN THE MUNICIPAL COURT OF THE CITY OF WINSTON,
COUNTY OF DOUGLAS, STATE OF OREGON**

THE CITY OF WINSTON,)
)
) Plaintiff,)
) vs.)
)
)
)
) Defendant.)

Docket No. [REDACTED]

**AFFIDAVIT IN SUPPORT
OF MOTION FOR SETTING
ASIDE ARREST RECORD**

I, [REDACTED], being first duly sworn on oath,
depose and say:

1. I am the defendant in these proceedings;
2. I was arrested by Winston Police Department on [REDACTED] for the offense of [REDACTED];
3. I was charged with [REDACTED].
4. Said charge was dismissed on [REDACTED];
5. I have / have not been convicted of a crime since that arrest, and there are no criminal charges pending against me;
6. I make this affidavit in support of the foregoing motion.

Dated this [REDACTED] of [REDACTED], 20 [REDACTED].

[REDACTED]

Signature of Defendant

SUBMITTED BY: (Please print)		

Name of Defendant / Defense Attorney	Bar #	

Address		

City	State	Zip

Daytime Phone Number		_____

**IN THE MUNICIPAL COURT OF THE CITY OF WINSTON,
COUNTY OF DOUGLAS, STATE OF OREGON**

THE CITY OF WINSTON,)
)
) Plaintiff,)
) vs.)
)
)
)
) Defendant.)

Docket No. _____

**AFFIDAVIT IN SUPPORT
OF MOTION FOR SETTING
ASIDE CONVICTION**

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

I am the defendant in these proceedings. I was convicted by the Court
on _____, before the Judge of the Municipal Court.

The disposition of my case was as follows: _____

_____.

(ie: jail sentence, fine, other)

I am not currently under charge of the commission of any crime, nor
have I been since the date of my conviction. More than three years have
elapsed since pronouncement of judgment. I have not previously had a
conviction set aside pursuant to ORS 137.225.

Dated this _____ of _____, 20____.

Signature of Defendant

SUBMITTED BY: (Please print)		

Name of Defendant / Defense Attorney	_____	Bar #

Address		

City	State	Zip

Daytime Phone Number		

**IN THE MUNICIPAL COURT OF THE CITY OF WINSTON,
COUNTY OF DOUGLAS, STATE OF OREGON**

THE CITY OF WINSTON,)	
)	Docket No. [REDACTED]
Plaintiff,)	
vs.)	
)	
[REDACTED],)	ORDER SETTING
)	ASIDE ARREST RECORD
Defendant.)	

THIS MATTER COMES NOW before the Court on defendant's motion to set aside record of the arrest pursuant to ORS 137.225, and the Court being fully advised, makes the following findings of facts and conclusions of law:

1. The original date of the defendant's arrest was [REDACTED].
2. The charge against the defendant was for [REDACTED].
3. Said charge was dismissed on [REDACTED].
4. The arresting agency was Winston Police Department.
5. Positive identification of the defendant has 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.

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 the defendant's arrest in this matter be, and the same is, hereby set aside;

IT IS FURTHER ORDERED that defendant's arrest in this matter is deemed to have not occurred, and the defendant may accordingly answer any questions relating to this occurrence as if it had not occurred;

IT IS FURTHER ORDERED that the record of defendant's arrest in this matter be sealed, and that all law enforcement agencies eliminate all references to defendant's arrest in this matter;

IT IS FURTHER ORDERED that the Clerk of the Court forward a certified copy of this order to the Director of Identification Services of the Oregon State Police, the Douglas County Sheriff's Office and the Winston Police Department.

IT IS SO STIPULATED:

Brin Webb Kittinger
Prosecuting Attorney
Winston Municipal Court

Date

Dated this _____ of _____, 20____.

Andrew Johnson
Municipal Court Judge

SUBMITTED BY: (Please print)

Name of Defendant / Defense Attorney

Bar #

Address

City

State

Zip

Daytime Phone Number

**IN THE MUNICIPAL COURT OF THE CITY OF WINSTON,
COUNTY OF DOUGLAS, STATE OF OREGON**

THE CITY OF WINSTON,)	
)	Docket No. [REDACTED]
Plaintiff,)	
vs.)	
)	ORDER SETTING
[REDACTED],)	ASIDE CONVICTION
Defendant.)	

THIS MATTER COMES NOW before the Court on defendant's motion to set aside conviction pursuant to ORS 137.225, and the Court being fully advised, makes the following findings of facts and conclusions of law:

1. The original date of the defendant's arrest was [REDACTED].
2. The original charge against the defendant was for [REDACTED].
3. The defendant was convicted of the crime of [REDACTED].
4. The date of the conviction of the defendant was [REDACTED].
5. The arresting agency was [REDACTED].
6. The disposition of the case was as follows: *(ie: jail sentence, fine, other)*
[REDACTED].
7. Positive identification of the defendant has been established by the Department of State Police Criminal Identification Services, SID No. _____.
8. At least three (3) years have elapsed since the date of the pronouncement of judgment.
9. Defendant has fully complied with and performed the sentence of the Court.
10. Defendant is not now under charge of commission of any crime.
11. The conviction may be set aside.
12. Excluding motor vehicle violations, the defendant has not been convicted of any other offenses within the 10-year period immediately preceding the filing of a motion to set aside the conviction in this case.

It appearing to the Court that the circumstances and behavior of the defendant from the date of the conviction to the date of hearing on this motion so warrant, and the Court being fully advised in the premises,

IT IS SO ORDERED that the conviction of [REDACTED], for the offense of [REDACTED] entered by this Court on [REDACTED], be, and the same is hereby, set aside. For purposes of law, the defendant is hereby deemed not to have been previously convicted of the offense.

IT IS FURTHER ORDERED that such arrest, conviction and other proceedings are deemed not to have occurred, and the defendant may accordingly answer any questions relating to their occurrence as if they had not occurred, unless defendant is legitimately compelled to make such disclosures.

IT IS FURTHER ORDERED that the record of conviction and any other official records in the case, including the records of arrest resulting in the criminal proceedings, be sealed.

IT IS FURTHER ORDERED that the clerk of the court forward a certified copy of this order to the Director of Identification Services of the Oregon State Police, the Douglas County Sheriff's Office and the Winston Police Department.

IT IS SO STIPULATED:	
_____	_____
Brian Webb Kittinger Prosecuting Attorney Winston Municipal Court	Date

Dated this _____ of _____, 20____.

Andrew Johnson
Municipal Court Judge

SUBMITTED BY: (Please print)		
_____	_____	_____
Name of Defendant / Defense Attorney	Bar #	

Address		
_____	_____	_____
City	State	Zip

Daytime Phone Number		