

PROCESS FOR SETTING ASIDE CONVICTION LINCOLN COUNTY CIRCUIT COURT

Do not ask court clerks for legal advice regarding setting aside conviction. If you need legal advice, please consult an attorney. This packet is meant to inform, not advise you on Oregon law. An attorney should be consulted for any legal advice and to assist in individual situations. A filing fee of \$240.00 is required payable to the State of Oregon and there is an \$80.00 fee payable to Department of State Police for the expungement of a conviction.

CONDITIONS FOR SETTING ASIDE CONVICTION

1. You may not have been convicted of any other crime within the past 10 years.
2. Must be over three (3) years from the date of pronouncement of judgment.
3. You must have fully complied with and performed the sentence of the court.
4. You may not have a current charge for the commission of a crime.
5. Applies to class C felony or less. See ORS 137.225 for exceptions. Does not apply to any traffic offense.

YOU WILL NEED THE FOLLOWING INFORMATION:

1. Original Arrest Date
2. Original Arrest Charge
3. Arresting Agency
4. Date of Conviction
5. Conviction Charge – If different from arrest charge.
6. Court Case Number

You may obtain this information by viewing the file or purchasing copies of the following items:

1. Original Charging Instrument
2. Sentencing Order/Judgment
3. Any subsequent order (probation violations, modifications of sentence or termination of sentence.

Complete the (3) forms enclosed in this packet. You will need to sign the “Affidavit in Support of Motion to Set Aside Record of Conviction and Records of Arrest” in front of a notary public.

You will need to have a complete set of fingerprints taken. The Lincoln County Sheriff’s Office offers this service for a fee.

After completing the forms, making sure that your name, current address and phone number are included, **MAKE TWO COPIES OF THE MOTION, AFFIDAVIT AND ORDER.**

File the original forms in person or by mail with the Lincoln County Circuit Court 225 W. Olive, Room 202, Newport, OR 97365.

You will need to serve ONE of the copies of all the forms, along with your fingerprints and your \$80.00 cashiers check or money order payable to the Department of State Police, on the Lincoln County District Attorney’s Office 225 W. Olive, Room 100, Newport, OR 97365.

The second copy of the documents is yours for your records.