

**Municipal Court**  
1175 East Main Street  
Ashland, Oregon 97520  
Telephone (541) 482-5214 Fax (541) 488-5586

**PROCEDURES FOR EXPUNGEMENT OF A MISDEMEANOR OR VIOLATION  
CONVICTION OR ARREST RECORD IN THE ASHLAND MUNICIPAL COURT**

These procedures are based on ORS 137.225. Court staff is prohibited from giving legal advice. If you have any questions, please contact an attorney.

The expungement process generally takes 8 – 12 weeks.

- **ELIGIBILITY:** Determine if your conviction or record of arrest are eligible for expungement. Review the conditions of expungement on page 2 of this document.
- **FINGERPRINT CARD:** Obtain a fingerprint card, available at most Police agencies. Contact them for available times. There is a fee for this service. If you reside outside of Jackson County, please contact your local police agency for a fingerprint card.
- **PREPARE REQUIRED DOCUMENTS:**
  - Prepare the CONVICTION expungement forms if you were convicted of the charge.
  - Prepare the ARREST expungement forms if the charge was not filed, dismissed, or you were acquitted of the charge.

**You must sign the affidavit in the presence of a Notary Public.** Do not sign the affidavit if you have been convicted of any other crime within the past ten (10) years or this will be considered false swearing and will result in a criminal proceeding.

- Submit all original documents to the **ASHLAND MUNICIPAL COURT**, 1175 East Main Street, Ashland, Oregon 97520. There is a \$240 filing fee payable to the City of Ashland for filing a conviction expungement . No fee is required for filing an arrest expungement. Fees are non-refundable. Payment may be made by cash, check (payable to City of Ashland), or Visa/MasterCard/Discover.
- Serve copies of all original documents on the **CITY ATTORNEY'S OFFICE** at 20 East Main Street, Ashland, Oregon 97520. In addition, you will need to submit the following:
  - Fingerprint card.
  - A certified check for \$80 made payable to the Dept. of State Police if you are filing a conviction expungement. This is not required on arrest record/dismissal expungements.
- **RETAIN COPIES** of all original documents for your records.

## **Conditions for Expungement**

- See ORS 137.225 for a list of case types eligible to be expunged. All Ashland Municipal Court misdemeanors and violations (excluding traffic) are eligible for expungement.
- **TRAFFIC CONVICTIONS CANNOT BE EXPUNGED.** Traffic charges that did not result in a conviction are eligible for arrest record expungement.
- You cannot have been convicted of any other crime within the past 10 years. If you sign the affidavit and have been convicted of a crime, it will be considered false swearing which will result in a criminal proceeding.
- It must be over three (3) years from the date of CONVICTION.
- The conviction you are expunging must be 10 years from the date of latest conviction. If you have more than one conviction, you may expunge multiple convictions, but must wait until 10 years from the most recent conviction.
- Cases that have been dismissed or resulted in acquittal do not have to wait to apply for expungement. All arrests that resulted in the City Attorney taking no action must wait one (1) year from the date of arrest.
- All fines and fees must be paid in full on the case and you must have fully complied with and performed the sentence of the Court. You **CANNOT** be on any form of probation for the CONVICTION that you are applying for expungement.

## **Expungement of Conviction Records**

Prepare the forms for expunging a conviction and file the **original** documents with the Court. A filing fee of \$240 is required for each case. You must prepare separate forms for each case.

- Affidavit in Support of Motion to Expunge Conviction for each case (original).
- Motion for Order to Expunge Conviction for each case (original).
- Order to Expunge Conviction for each case (original).

Deliver the following to the City Attorney's office.

- Copy of Affidavit in Support of Motion to Expunge Conviction for each case.
- Copy of Motion for Order to Expunge Conviction for each case.
- Fingerprint card.
- Certified check for \$80 made payable to the Dept. of State. A separate fee is required for each case.

## **Expungement of Arrest Record and/or Dismissal**

Prepare the forms for expunging an arrest and file the **original** documents with the Court. No filing fees are required. You must prepare separate forms for each case.

- Affidavit in Support of Motion to Expunge Arrest for each arrest record (original).
- Motion for Order to Expunge Arrest for each arrest record (original).
- Order to Expunge Arrest for each arrest record (original).

Deliver the following forms and fingerprint card to the City Attorney's office:

- Copy of Affidavit in Support of Motion to Expunge Arrest (for each arrest record).
- Copy of Motion for Order to Expunge Arrest (for each arrest record).
- Fingerprint card.

The City Attorney's office will notify the victim in the case (if applicable) of the defendant's intent to expunge. A hearing date will be set by the court if the victim objects to the expungement.

The fingerprint card and certified check will be forwarded to the State Police Bureau of Criminal Identification. The State Police will use the fingerprint card to make a positive identification of the defendant, to determine if the defendant has had prior criminal cases expunged or set aside, and to determine if the defendant has any outstanding warrants. The fingerprint card will be returned to the City Attorney's office.

The City Attorney will file an answer to defendant's motion with the clerk's office. The answer will state either that the City Attorney's office has no objection to the motion, or if there is an objection, the answer will set out the specific reasons for the objection. The City Attorney's office will provide a copy of the answer to the defendant or defendant's attorney. The Municipal Court judge will make a decision on the defendant's motion. The defendant or defendant's attorney will be mailed a copy of the order. The Court will distribute certified copies of the order to the appropriate agencies who will then comply by sealing their records.

**IN THE MUNICIPAL COURT OF THE CITY OF ASHLAND  
COUNTY OF JACKSON, STATE OF OREGON**

<b>STATE OF OREGON</b>	)	
<b>City of Ashland,</b>	)	
<b>Plaintiff</b>	)	<b>Case No.</b> _____
<b>v.</b>	)	
	)	<b>AFFIDAVIT IN SUPPORT OF MOTION</b>
	)	<b>TO EXPUNGE CONVICTION</b>
	)	
<b>Defendant.</b>	)	
_____	)	

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

- 1) That I am the defendant in the above entitled matter. I submit this affidavit in support of the attached Motion to Expunge Conviction.
- 2) The information pertaining to this matter as set out in the Motion is true to the best of my knowledge and belief.
- 3) More than three (3) years have elapsed since the date of pronouncement of judgment.
- 4) I have fully complied with and performed the sentence of the court.
- 5) I do not have any criminal charges pending against me at this time.
- 6) I have not had a conviction set aside by order of any Court.
- 7) I have not been convicted of or arrested for an offense punishable as a felony, misdemeanor or violation, except as specified herein:

\_\_\_\_\_

\_\_\_\_\_

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

SUBSCRIBED AND SWORN TO BEFORE ME ON \_\_\_\_\_ in Jackson County, Oregon.

By: \_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_

IN THE MUNICIPAL COURT OF THE CITY OF ASHLAND  
COUNTY OF JACKSON, STATE OF OREGON

STATE OF OREGON )  
City of Ashland, )  
Plaintiff ) Case No. \_\_\_\_\_  
v. )  
) MOTION FOR ORDER TO EXPUNGE  
) CONVICTION  
)  
Defendant. )  
\_\_\_\_\_ )

The above named defendant moves the Court for an Order to Expunge the CONVICTION in the following matter. This Motion is based on ORS 137.225, the records and files contained herein, and the attached affidavit.

Defendant: \_\_\_\_\_

Date of Birth: \_\_\_\_\_

Arrest Charge: \_\_\_\_\_

Date of Arrest: \_\_\_\_\_

Arresting Agency \_\_\_\_\_

Conviction Charge: \_\_\_\_\_

Disposition: \_\_\_\_\_ Sentence Date: \_\_\_\_\_

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date signed

Prepared by:

Name: \_\_\_\_\_

Address 1: \_\_\_\_\_

Address 2: \_\_\_\_\_

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

Phone: \_\_\_\_\_

IN THE MUNICIPAL COURT OF THE CITY OF ASHLAND  
COUNTY OF JACKSON, STATE OF OREGON

STATE OF OREGON )  
City of Ashland, )  
                                Plaintiff ) Case No. \_\_\_\_\_  
v. )  
  ) **ORDER TO EXPUNGE CONVICTION**  
  )  
  )  
  )  
                                Defendant. )  
\_\_\_\_\_ )

The above named defendant moves the Court for an Order to Expunge the CONVICTION in the following matter.

Defendant: \_\_\_\_\_

Date of Birth: \_\_\_\_\_

Arrest Charge: \_\_\_\_\_

Date of Arrest: \_\_\_\_\_ Arresting Agency \_\_\_\_\_

Conviction Charge: \_\_\_\_\_

Disposition: \_\_\_\_\_ Sentencing Date: \_\_\_\_\_

The Court, being fully advised, makes the following findings of fact:

- 1) A certified copy of the defendant’s Motion was served on the City Attorney, who has declined the opportunity to contest the Motion.
- 2) The circumstances and behavior of the Defendant from the date of arrest warrant setting aside the conviction.
- 3) Positive identification of the defendant has been established by Dept. of the State Police Bureau of Identification as provided to the City of Ashland City Attorney office.

IT IS ORDERED that:

- 1) The above CONVICTION is expunged;
- 2) The Clerk of the Court is directed to seal all files and records relating to said proceeding including the arrest resulting in the criminal proceeding.
- 3) The Clerk of the Court is directed to send a copy of this Order to the arresting agency named above and the Central Bureau of Criminal Investigation of the Department of State Police. The public agencies receiving a copy of this Order shall seal their records and order the arresting agency to seal its records. The Central Bureau of Criminal Investigation of the Department of State Police shall request the return of arrest date, including fingerprints from the Federal Bureau of Investigation.

ALLOW \_\_\_\_\_

DENY \_\_\_\_\_

\_\_\_\_\_  
Date

\_\_\_\_\_  
Municipal Court Judge

**IN THE MUNICIPAL COURT OF THE CITY OF ASHLAND  
COUNTY OF JACKSON, STATE OF OREGON**

<b>STATE OF OREGON</b>	)	
<b>City of Ashland,</b>	)	
<b>Plaintiff</b>	)	<b>Case No.</b> _____
<b>v.</b>	)	
	)	<b>AFFIDAVIT IN SUPPORT OF MOTION</b>
	)	<b>TO EXPUNGE ARREST</b>
	)	
<b>Defendant.</b>	)	
_____	)	

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

- 1) That I am the defendant in the above entitled matter. I submit this affidavit in support of the attached Motion to Expunge Arrest;
- 2) The information pertaining to this matter as set out in the Motion is true to the best of my knowledge and belief;
- 3) Within the three (3) year period immediately preceding the filing of this motion, I have not been arrested for any offense, excluding motor vehicle violations, and excluding arrests for conduct associated with the same criminal episode that caused my arrest in this matter.
- 4) Within the ten (10) year period immediately preceding the filing of this Motion, I have not been convicted of any other offense, excluding motor vehicle violations.
- 5) I do not have criminal charges pending against me at this time. I have not had a conviction set aside by Order of any Court.
- 6) \_\_\_\_\_ More than one (1) year has elapsed since the date of arrest and no accusatory instrument has been filed against me based upon said arrest, or;  
 \_\_\_\_\_ An accusatory instrument was filed against me and has been dismissed, or;  
 \_\_\_\_\_ An accusatory instrument was filed against me, but I was acquitted of all charges.

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

SUBSCRIBED AND SWORN TO BEFORE ME ON \_\_\_\_\_ in Jackson County, Oregon.

By: \_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_

**IN THE MUNICIPAL COURT OF THE CITY OF ASHLAND  
COUNTY OF JACKSON, STATE OF OREGON**

<b>STATE OF OREGON</b>	)	
<b>City of Ashland,</b>	)	
<b>Plaintiff</b>	)	<b>Case No.</b> _____
<b>v.</b>	)	
	)	<b>MOTION FOR ORDER TO EXPUNGE</b>
	)	<b>ARREST</b>
	)	
<b>Defendant.</b>	)	
_____	)	

The above named defendant moves the Court for an Order setting aside the ARREST in the following matter. This Motion is based on ORS 137.225, the records and files contained herein, and the attached affidavit.

Defendant: \_\_\_\_\_

Date of Birth: \_\_\_\_\_

Arrest Charge: \_\_\_\_\_

Date of Arrest: \_\_\_\_\_

Arresting Agency \_\_\_\_\_

Disposition: \_\_\_\_\_

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date signed

Prepared by:

Name: \_\_\_\_\_

Address 1: \_\_\_\_\_

Address 2: \_\_\_\_\_

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

Phone: \_\_\_\_\_



**IN THE MUNICIPAL COURT OF THE CITY OF ASHLAND  
COUNTY OF JACKSON, STATE OF OREGON**

<b>STATE OF OREGON</b>	)	
<b>City of Ashland,</b>	)	
<b>Plaintiff</b>	)	<b>Case No.</b> _____
<b>v.</b>	)	
	)	<b>ORDER TO EXPUNGE ARREST</b>
	)	
	)	
<b>Defendant.</b>	)	
_____	)	

The above named defendant moves the Court for an Order setting aside the ARREST in the following matter.

Defendant: \_\_\_\_\_

Date of Birth: \_\_\_\_\_

Arrest Charge: \_\_\_\_\_

Date of Arrest: \_\_\_\_\_ Arresting Agency \_\_\_\_\_

Disposition: \_\_\_\_\_ Sentence Date: \_\_\_\_\_

The Court, being fully advised, makes the following findings of fact:

- 1) A certified copy of the defendant's Motion was served on the City Attorney, who has declined the opportunity to contest the Motion.
- 2) The circumstances and behavior of the Defendant from the date of arrest warrant setting aside the arrest record.
- 3) Positive identification of the defendant has been established by Dept. of the State Police Bureau of Identification as provided to the City of Ashland City Attorney office.

IT IS ORDERED that:

- 1) The above ARREST is expunged;
- 2) The Clerk of the Court is directed to seal all files and records relating to said proceeding including the arrest resulting in the criminal proceeding.
- 3) The Clerk of the Court is directed to send a copy of this Order to the arresting agency named above and the Central Bureau of Criminal Investigation of the Department of State Police. The public agencies receiving a copy of this Order shall seal their records and order the arresting agency to seal its records. The Central Bureau of Criminal Investigation of the Department of State Police shall request the return of arrest date, including fingerprints from the Federal Bureau of Investigation.

ALLOW \_\_\_\_\_

DENY \_\_\_\_\_

\_\_\_\_\_  
Date

\_\_\_\_\_  
Municipal Court Judge