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IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF CLACKAMAS

STATE OF OREGON,)	Case No.
Plaintiff,)	
)	
vs.)	MOTION TO SET ASIDE CONVICTION AND
)	RECORD OF ARREST
,)	
Defendant.)	DA No. 301782

COMES NOW the State of Oregon, by and through Deputy District Attorney for Clackamas County moving this Court to enter an Order setting aside the defendant’s conviction in Count 1: Driving While Suspended or Revoked, and the sealing official records of arrest for that offense. The defendant’s conviction, based on inaccurate records from the Oregon Department of Motor Vehicles (DMV), is now known to be wrongful. Therefore, justice requires that the conviction be set aside and associated records sealed.

This motion and order are based upon the attached declaration of counsel. This traffic offense is not included in the list of offenses eligible to be set aside under ORS 137.225(7). However, the Court holds the inherent authority to take such action in the interests of justice. *See State v Kuznetsov*, 345 Or 479, 487 (2008) (en banc), (“[A]bsent some legislative or constitutional impediment, courts possess inherent authority to issue those rulings necessary to decide the issues before them.”).

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JOHN D. WENTWORTH
District Attorney

By:
Deputy District Attorney

DATED: August 18, 2023.

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IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF CLACKAMAS

STATE OF OREGON,

Plaintiff,

v.

Defendant.

No.

ORDER TO SET ASIDE CONVICTION AND
RECORD OF ARREST

This matter having come before the Court upon the State’s Motion to Set Aside Conviction and Records of Arrest, and the Court having reviewed the records and file, and now being fully advised, the court finds as follows:

1. That the defendant was arrested and convicted as follows:
 - a. Defendant SID Number:
 - b. Defendant FBI Number:
 - c. Arresting Agency Case Number:
 - d. Date of Offense:
 - e. Original Arrest or Citation Charge: Driving While Suspended or Revoked
 - f. Date of Conviction:
 - g. Conviction Charge: Driving While Suspended or Revoked

2. That the underlying circumstances relating to errors by the Oregon Department of Motor Vehicles are found to warrant setting aside records of the defendant’s arrest and conviction of the above offense.

It is hereby ordered that the defendant’s arrest and conviction of the above offense are set aside, and hereafter the defendant, for all purposes of the law, shall be deemed not to have been previously convicted or arrested of that offense.

1 2. DMV errors in administering this system caused individuals to be wrongfully arrested
2 and convicted of criminal driving while suspended or revoked in violation of ORS
3 811.182.

4 3. DMV erroneously classified the defendant's license as criminally suspended or revoked
5 at the time of the alleged offense. This factually incorrect record formed the basis for
6 the defendant's arrest and conviction in Count #.

7 4. Therefore, the State moves to set aside the defendant's conviction in Count #1: Driving
8 While Suspended or Revoked, and the seal official records of arrest for that offense.

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11 I hereby declare that the above statement is true to the best of my knowledge and belief, and
12 that I understand it is made for use as evidence in court and is subject to penalty for perjury.
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