

FELONY REDUCTION MOTION GUIDE

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STEP 1: Does your conviction qualify?

Note: If the felony is eligible for expungement, pursue this step first

- Were you convicted of:
 - any Class C felony; OR
 - a Class B felony for possession of a controlled substance, OR possession or delivery of marijuana or a marijuana item; AND
- Did you successfully complete probation (your probation was not revoked); AND
- Can you explain why having a felony conviction on your record is unduly harsh?

STEP 2: Preparing your motion(s)

- Do a separate motion for each felony case you want to reduce. Sample motion included on page 2.
- If you have convictions for more than one eligible charge in a single case, do a single motion for that case and list each count/conviction that you want reduced to a misdemeanor.
- You may include with your motion(s) any certificates of treatment, education, skills credentials. You may include a letter from a non-relative who can describe how you have changed since your conviction.

Step 3: File and serve the motion(s)

- After filling out the “Motion and Declaration” and the “Supplemental Judgment”:
 1. send a copy to the County’s District Attorney’s office; AND
 2. file the documents with the court where your case is located.
- If your case is in Multnomah, then you must file at the Multnomah County Circuit Court in person or by mail at: 1200 S.W. 1st Ave, Portland, Oregon, 97204. AND
- Serve the Multnomah District Attorney’s office in person or by mail at: 1200 S.W. 1st Ave, Suite 5200, Portland, Oregon, 97204. You can contact them at 503-988-3162 if you have any questions.

Step 4: Wait for a decision or a hearing notice

- You will receive in the mail either a decision from the court or a notice of a hearing on the motion. Attend the hearing, if one is scheduled, and prepare to answer questions about the information in your motion.
- Check back with the court if you haven’t received a response in 30 days.

DECLARATION

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I am the defendant in this case.

1. I was convicted of:

A Class C felony; or

Possession or delivery of marijuana or a marijuana item as defined in ORS 417B.015 constituting a Class B felony; or

Possession of a controlled substance constituting a Class B felony.

2. I successfully completed a sentence of probation.

3. I believe that continuing to be convicted of a felony for this incident is unduly harsh, considering the nature and circumstances of the crime and my history and character.

4. I am providing the following information for the Court to consider:

a. Briefly and accurately explain the events surrounding your offense.

b. Briefly and accurately explain any life circumstances you were experiencing at the time of your offense.

c. Describe your criminal record since your conviction(s).

1 **d.** Describe any courses of treatment, including substance abuse, mental health, anger
management or other treatment that you have engaged in since you were convicted.

2 _____

3 _____

4 _____

5 **e.** Describe your family responsibilities and whether you have dependent children or other people
6 for whom you are financially responsible.

7 _____

8 _____

9 _____

10 **f.** Describe any academic accomplishments or professional certifications you have obtained since
11 being convicted. Describe your plans for future employment and how your conviction has
affected your efforts.

12 _____

13 _____

14 _____

15 **g.** Please provide an explanation of any additional hardship(s) you are experiencing as a result of
your conviction(s) (e.g., housing, employment, public benefits, healthcare).

16 _____

17 _____

18 _____

19 **I hereby declare that the above statements are true to the best of my knowledge and belief.**
20 **I understand they are made for use as evidence in court and that I am subject to penalty**
21 **for perjury.**

22 _____
Date

Signature

23

Name (printed)

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25 _____
Address City, State, ZIP Phone Email

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CERTIFICATE OF MAILING

I, the above-named defendant, certify that on (date): _____ I placed a true and complete copy of this *Motion and Declaration* form in the United States mail or hand-delivered to the _____ County District Attorney's office at (address):

Date

Defendant's Signature

Defendant's Name

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

| | | |
|------------------|---|--------------|
| STATE OF OREGON, |) | No. _____ |
| |) | |
| Plaintiff, |) | |
| |) | SUPPLEMENTAL |
| vs. |) | JUDGMENT |
| |) | |
| _____ , |) | |
| Defendant. |) | |
| |) | |
| _____) |) | |

This matter came before the Court upon a motion to reduce a felony conviction to a misdemeanor on _____. The Court makes the following findings based on:

- the information in the defendant's pro se motion
- and the testimony at a hearing on _____ with the following persons present:

_____. The Court finds that on _____ the defendant was convicted of: _____.

The Court finds that the defendant successfully completed a sentence of probation. The Court finds that it is unduly harsh, considering the nature and circumstances of the crime and the defendant's history and character, to continue the defendant's felony conviction(s).

It is hereby ORDERED AND ADJUDGED by the Court that Defendant's request be GRANTED and, pursuant to the authority under ORS 161.705(2)(b), the Court enters a judgment of conviction for a Class A Misdemeanor for count(s) _____ in the above-named case.

Circuit Court Judge _____