

STATE OF LOUISIANA  
CITY COURT OF LAFAYETTE, LOUISIANA  
PARISH OF LAFAYETTE

No.: \_\_\_\_\_

Division: “ \_\_\_\_\_ ”

STATE OF LOUISIANA/CITY OF LAFAYETTE  
VS.

\_\_\_\_\_  
DEFENDANT

**MOTION TO SET ASIDE MISDEMEANOR CONVICTION AND  
DISMISS PROSECUTION (Article 894)**

NOW INTO HONORABLE COURT, comes:

- Defendant, in proper person OR
- Defendant through undersigned Counsel,

and on suggesting to the Court that on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_,  
(Date of Conviction) the he/she was convicted after trial or a plea of “*guilty*” or “*no contest*” on  
the misdemeanor charge of:

**Original Charge:** \_\_\_\_\_

**Name of offense convicted:** \_\_\_\_\_

(If different or amended from original charge)

**Date(s) of Arrest:** \_\_\_\_\_

**Arresting Agency:** \_\_\_\_\_

**City/Parish of Arrest:** \_\_\_\_\_

**Docket No.** \_\_\_\_\_ **Court:** \_\_\_\_\_

And that he/she was sentenced under the provisions of Louisiana Code of Criminal Procedure 894(B), and further that all conditions of probation/deferral have been completed and satisfied and that the probationary/deferral period has now ended and that the defendant has not been convicted of any other charge during the period and that no criminal charge is pending against Mover.

The mover is further identified below:

**Full Name:** \_\_\_\_\_

**Current Physical Address:** \_\_\_\_\_



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DEFENDANT

**RULE TO SHOW CAUSE**

Considering that an objection the Motion to Set Aside Conviction pursuant to Article 894(B) of the Code of Criminal Procedure and a request for contradictory hearing has been made by the prosecuting authority;

**IT IS HEREBY ORDERED**, that the District Attorney/City Prosecutor show cause on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_o'clock \_\_\_\_m why the foregoing Motion to set Conviction Aside and Dismiss Prosecution pursuant to La. C. Cr. P. Article 894(B) should not be granted.

THUS ORDERED AND SIGNED this day of \_\_\_\_\_, 20\_\_\_\_ at Lafayette, Louisiana.

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JUDGE

PLEASE SERVE:

1. District Attorney/City Prosecutor:
2. Attorney for Defendant and/or Defendant

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DEFENDANT

**ORDER SETTING ASIDE CONVICTION AND  
ENTRY OF DISMISSAL UNDER LA. C. Cr. P. ARTICLE 894**

**CONSIDERING**, the foregoing Motion to set Conviction Aside and Dismiss Prosecution and that Mover has satisfactorily completed the requisite probationary/deferral period without other convictions, that defendant has completed all programs and community service as ordered, and that and that the defendant has not been convicted of any other charge during the period and that no other criminal charge is presently pending against said defendant/probationer and that all fines and cost have been paid, and the requirements of the Louisiana Code of Criminal Procedure, Article 894(B), having been satisfied by the Mover;

**IT IS ORDERED** that pursuant to Louisiana Code of Criminal Procedure Article 894(B), the conviction of the above captioned defendant on the charge of:

**Original Charge:** \_\_\_\_\_

**Name of offense convicted:** \_\_\_\_\_

(If different or amended from original charge)

**Date(s) of Arrest:** \_\_\_\_\_

**Arresting Agency:** \_\_\_\_\_

**City/Parish of Arrest:** \_\_\_\_\_

**Docket No.** \_\_\_\_\_ **Court:** \_\_\_\_\_

be and is hereby set aside, excepting the fine and court costs previously paid and the prosecution is hereby dismissed. The dismissal of the prosecution shall have the same effect as an acquittal, except that the conviction may be considered as a first offense and provide the basis for subsequent prosecution of the party as a multiple offender.

THUS ORDERED AND SIGNED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_  
at Lafayette, Louisiana.

\_\_\_\_\_  
Judge, City Court of Lafayette, LA  
Division “\_\_\_”

\_\_\_\_\_  
Signature of Attorney for Mover/Defendant

**IF NOT REPRESENTED BY COUNSEL:**

\_\_\_\_\_  
Mover/Defendant  
In Proper Person

PLEASE SERVE:

LAFAYETTE PARISH DISTRICT ATTORNEY’S OFFICE (if DT/ST or SC charge)

LAFAYETTE PARISH CITY PROSECUTOR’S OFFICE (if DT/CC/CT charge)

MOVER OR MOVER’S ATTORNEY