

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 OF PROSECUTION (Article 894B)**

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:** \_\_\_\_\_

**Charge Convicted of:** \_\_\_\_\_

(If different or amended from original charge)

**Date 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:** \_\_\_\_\_

**City, State, and Zip:** \_\_\_\_\_

Date of Birth: \_\_\_/\_\_\_/\_\_\_\_\_ Race: \_\_\_\_\_ Gender: \_\_\_\_\_

Driver's License No.: \_\_\_\_\_ / State \_\_\_\_\_

Social Security Number: XXX-XX-\_\_\_\_\_ (Last 4 digits only)

ACCORDINGLY, AS TO THE CHARGE LISTED ABOVE, under the provisions of Louisiana Code of Criminal Procedure Article 894(B), Mover seeks to have the conviction set aside and the prosecution dismissed having the same effect as an acquittal, but understands that the conviction may be considered as a prior offense and provide the basis for subsequent prosecution of the party as a multiple offender. Mover further understands that he/she will not be refunded any fines and Court costs collected in this matter.

Respectfully submitted,

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Signature of Attorney for Mover/Defendant  
Attorney for Mover/Defendant Name \_\_\_\_\_  
Attorney's Bar Roll No. \_\_\_\_\_  
Address \_\_\_\_\_  
City, State, ZIP Code \_\_\_\_\_  
Telephone Number \_\_\_\_\_

**IF NOT REPRESENTED BY COUNSEL:**

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Signature of Mover/Defendant  
Mover/Defendant Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City, State, ZIP Code: \_\_\_\_\_  
Telephone Number: \_\_\_\_\_

**CERTIFICATE OF PROSECUTOR**

The State of Louisiana/City of Lafayette, herein represented by the Lafayette City Prosecutor's Office, does hereby certify that the records of the above captioned defendant have been examined and that they have:

- No Opposition to Motion. The State/City recognizes that the conviction will be set aside by the court pursuant to Article 894(B) of the Code of Criminal Procedure without contradictory hearing; OR
- Opposition to the Motion and Request that a Contradictory Hearing be held.

Lafayette, Louisiana, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

BY: \_\_\_\_\_

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

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

Division: “ \_\_\_\_\_ ”

STATE OF LOUISIANA/CITY OF LAFAYETTE  
VS.

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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 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

STATE OF LOUISIANA  
CITY COURT OF LAFAYETTE, LOUISIANA  
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No.: \_\_\_\_\_

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STATE OF LOUISIANA/CITY OF LAFAYETTE

VS.

\_\_\_\_\_  
DEFENDANT

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

**CONSIDERING**, the foregoing Motion to set Conviction Aside and Dismiss Prosecution and that Mover has satisfactorily completed the requisite probationary/deferral period, that defendant has completed all programs and community service as ordered, 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) have 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:

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

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

\_\_\_\_\_  
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 City Prosecutor's Office (if dt/cc/ct charge)  
Mover or Mover's attorney