

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 COURT**, comes Defendant, in proper person (or through undersigned Counsel), and on suggesting to the Court that on the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, he/she was convicted on the misdemeanor charge of:

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

And that their sentence was deferred (in whole or in part) under the provisions of Louisiana Code of Criminal Procedure 894(B), they were placed on probation and further that all conditions of probation/deferral have been completed and that the defendant has not been convicted of any other charge during the period and that no criminal charge is pending against Mover.

**ACCORDINGLY**, 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 Mover/Defendant

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

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

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

**Telephone No.:** \_\_\_\_\_

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

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

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

**CERTIFICATE OF PROSECUTOR**

The State of Louisiana/City of Lafayette, herein represented by the 15<sup>th</sup> JDC District Attorney's office/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  
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PARISH OF LAFAYETTE

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 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

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