

BATON ROUGE CITY COURT
P. O. Box 3438
Baton Rouge, Louisiana 70821-3438

ARTICLE 894 GUIDELINES

Under La.C.Cr.P. Article 894, the Court may suspend or postpone imposition of sentence in a misdemeanor case and place an accused on probation conditioned upon the obligation to refrain from all criminal conduct and follow any other specific conditions reasonably related to rehabilitation during that period.

At the expiration of this period, a hearing shall be held to determine if there has been compliance with the probationary conditions. If so, the Court may order the charge dismissed, which dismissal shall have the same legal effect as an acquittal or not guilty verdict at trial, except that the conviction may be considered as a first offense and provide the basis for subsequent prosecution as a multiple offender. If not so satisfied, the Court may impose sentence upon the accused at that time.

The only notice of this scheduled hearing is contained on the Notice to Appear form that is delivered to the accused or his attorney in open Court. **FAILURE TO APPEAR AT THIS HEARING OR TIMELY SUBMIT A SWORN AFFIDAVIT OF COMPLIANCE COULD RENDER THE ACCUSED INELIGIBLE FOR DISMISSAL OF THE CONVICTION.**

Instead of a personal appearance, the accused may choose to mail a sworn affidavit of compliance to the Court if ALL of the following conditions are met:

1. The accused has refrained from all criminal conduct and traffic violations during the probationary period.
2. The affidavit is properly signed and notarized.
3. The accused has successfully completed any driving program or other school or workshop to which assigned, and a copy of the completion certificate is attached to the affidavit.
4. If personal injury or property damage loss occurred, written proof of restitution or the existence of liability insurance coverage at time of injury or loss is attached to the affidavit.
5. Any additional information that the Court specifically requested is attached to the affidavit.
6. This affidavit must not be executed prior to the Affidavit Execution Date.
7. The affidavit is mailed to the Court two weeks prior to the hearing date indicated on the Notice to Appear form.

If ALL of the above conditions cannot be met, the accused must appear in Court on the hearing date indicated on the Notice to Appear. The decision to apply Article 894 is discretionary with the sentencing Judge, based upon such factors as the absence of any prior criminal record, satisfactory restitution for any damages, and cooperation with the Court. By law, an Article 894 dismissal can occur only once per individual in any five (5) year period. However, discharge and dismissal under Article 894 for the offense of operating a vehicle while intoxicated may occur only once per individual in any ten (10) year period. A dismissal under Article 894 does not prevent later prosecution and punishment under appropriate multiple offender provisions. However, it does have the same legal effect as an acquittal or not guilty verdict following trial. A dismissal under Article 894 does not authorize the erasure or expungement of an arrest record. An expungement may be sought through the Clerk of Court's Office.

DWI OFFENDERS – A \$50.00 MONEY ORDER OR CERTIFIED CHECK, MADE PAYABLE TO DEPARTMENT OF MOTOR VEHICLES, IS DUE AT SENTENCING. IF YOU FAIL TO SUBMIT THIS FEE, THE DEPARTMENT OF MOTOR VEHICLES WILL NOT EXECUTE ARTICLE 894.