

**STATE OF LOUISIANA**  
**COURT OF APPEAL, FIRST CIRCUIT**

NUMBER 2013 KW 0572

STATE OF LOUISIANA

IN THE INTEREST OF D.B.

APRIL 25, 2013

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In Re: State of Louisiana, applying for supervisory writs, Juvenile Court, Parish of East Baton Rouge, No. 103598.

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**BEFORE: WHIPPLE, C.J., McCLENDON AND HIGGINBOTHAM, JJ.**

**WRIT GRANTED.** The State presented sufficient evidence to prove by "clear and convincing" evidence that there is no substantial opportunity for the juvenile's rehabilitation. Thus, the juvenile court abused its discretion in denying the motion to transfer. See La. Ch. Code art. 362(2)(a-f); **State v. Wilkerson**, 96-1965 (La. App. 1st Cir. 11/07/97), 704 So.2d 1, writ denied, 97-3038 (La. 4/3/98), 717 So.2d 646. The juvenile court's ruling granting the juvenile's motion to transfer is reversed, and this matter is remanded for transfer to the district court.

**PMc**  
**VGW**

**Higginbotham, J.**, dissents. I do not find that the juvenile court abused its discretion in denying the motion to transfer. See **State v. Wilkerson**, 96-1965 (La. App. 1st Cir. 11/07/97), 704 So.2d 1, writ denied, 97-3038 (La. 4/3/98) 717 So.2d 646.

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DEPUTY CLERK OF COURT  
FOR THE COURT