

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

STATE OF LOUISIANA

NO. 2014 KW 1288

IN THE INTEREST OF D.H.

**SEP 23 2014**

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In Re: D.H., applying for supervisory writs, 22nd Judicial District Court, Parish of St. Tammany, No. 72-10537-JT.

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**BEFORE: GUIDRY, THERIOT, AND DRAKE, JJ.**

**REQUEST FOR STAY DENIED. WRIT DENIED.** We find no abuse of discretion. The determination of probable cause, although requiring something more than bare suspicion, does not require evidence sufficient to support a conviction. Probable cause, as the very name implies, deals with probabilities. The determination of probable cause, unlike the determination of guilt at trial, does not require the fine resolution of conflicting evidence that a reasonable doubt or even a preponderance standard demands, and credibility determinations are seldom crucial in deciding whether the available evidence supports a reasonable belief that the person to be arrested has committed a crime. The determination of probable cause involves factual and practical considerations of everyday life on which average men, and particularly average police officers, can be expected to act. **State v. Simms**, 571 So.2d 145, 148-49 (La. 1990).

However, the parties should note that this finding of probable cause alone does not trigger the automatic transfer of this matter from the exclusive jurisdiction of the juvenile court to an adult criminal prosecution unless a bill of information charging armed robbery is filed. See La. Ch. Code art. 305B(1)(b) & (2)(d). Of course, the return of an indictment charging armed robbery, without any such probable cause determination at a continued custody hearing, would trigger the automatic transfer of this matter to an adult criminal prosecution. See La. Ch. Code art. 305B(1)(a) & (2)(d). Article 306D of the Children's Code, referenced by the juvenile court at the hearing, deals with places of detention and must be read *in pari materia* with Article 305, which deals with jurisdiction.

MRT  
EGD  
JMG

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