

STATE OF LOUISIANA
COURT OF APPEAL, FIRST CIRCUIT

STATE OF LOUISIANA

NO. 2016 KW 1492

VERSUS

DEC 28 2016

IN THE INTEREST OF A.C.

In Re: A.C., applying for supervisory writs, 22nd Judicial District Court, Parish of Washington, No. J-16-15.

BEFORE: PETTIGREW, McDONALD AND CALLOWAY,¹ JJ.

WRIT GRANTED. When a "child is not continued in custody, the adjudication hearing shall commence within ninety days of the appearance to answer the petition." La. Ch. Code art. 877(B). The mandatory time limitations provided in La. Ch. Code art. 877 were set forth to ensure expedited adjudication of children. See **State v. Roberson**, 2014-1996 (La. 10/14/15), 179 So.3d 573, 576. Through no fault of the juvenile, the mandatory time limitation for the commencement of the adjudication hearing has exceeded the ninety-day requirement by six months. Accordingly, the district court's ruling denying the juvenile's motion to dismiss is reversed, and this matter is remanded to the district court for further proceedings in accordance with this decision.

CAC
JMM

Pettigrew J., dissents and would deny the writ application. I find the district court did not err in denying the juvenile's motion to dismiss, filed on October 13, 2016. This Court's decision in **State of Louisiana in the Interest of A.C.**, 2016-1052 (La. App. 1st Cir. 10/7/16) (unpublished writ action) became final on October 21, 2016 in accordance with La. Code Crim. P. art. 922(B). The motion to dismiss the juvenile's petition, filed on October 13, 2016, was filed prematurely.

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DEPUTY CLERK OF COURT
FOR THE COURT

¹ Calloway, J., serving as judge *pro tempore* of the Court of Appeal, First Circuit, by special appointment of the Louisiana Supreme Court