

**STATE OF LOUISIANA IN
THE INTEREST OF L.W.**

*** NO. 2000-CA-0716
* COURT OF APPEAL
* FOURTH CIRCUIT
* STATE OF LOUISIANA**

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**APPEAL FROM
JUVENILE COURT ORLEANS PARISH
NO. 99-341-07-QC, SECTION "C"
Honorable Salvadore Mule', Judge**

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Charles R. Jones
Judge
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(Court composed of Chief Judge William H. Byrnes, III, Judge Charles R. Jones, and Judge Dennis R. Bagneris, Sr.)

Harry F. Connick
District Attorney
Jamie Young
Assistant District Attorney
Juvenile Division
421 Loyola Avenue
New Orleans, LA 70112
COUNSEL FOR APPELLANT

AFFIRMED

The State of Louisiana appeals the order of the juvenile court granting the Motion to Dismiss the delinquency petition, filed by L.W. We affirm.

L.W. was charged by petition filed in the juvenile court with being a delinquent in that he violated LA R.S. 14:67.10, relative to theft of goods valued at less than \$100 from Macy's. At his arraignment, L.W. pled not guilty, and moved to dismiss the petition.

M.W., mother of L.W., indicated to the juvenile court that she received a letter from an attorney in California who stated that he represented Macy's, and that if she paid \$250 to Macy's she would avoid prosecution. M.W. offered two receipts to the court evidencing partial payment of this sum. However, the State filed the instant petition for delinquency thereafter.

At the arraignment, the juvenile court judge determined that the merchant received his goods back and was receiving the \$250 in partial payments. The juvenile court found that there was no basis for the prosecution and dismissed the petition. This timely appeal follows.

By its lone assignment of error, the State argues that LA R.S. 9:2719.1

allows a merchant to collect civil damages from a shoplifter; however, it is the State alone who determines whether a petition for delinquency would be found.

The juvenile court found that for good cause under Ch.C.art. 876, the court had the authority to dismiss this petition. We agree. In In Re: R.W. and N.W., 693 So.2d 257, App. 4 Cir, 1997, writ denied 703 So.2d 1264 (1997), we stated that:

The juvenile court is vested with broad discretion to arrive at solutions which balance the needs of the child with the interest of society. State In Interest of Davis, 96-0337 (La. App. 4 Cir. 10/30/96), 683 So.2d 879. Although neither the Children's Code nor jurisprudence defines the term "good cause", in State in Interest of Davis this Court found dismissal of a delinquency petition appropriate after the victim refused to press charges.

From the record before us, it is apparent that the juvenile court judge found the demand and receipts of the partial payments towards the \$250 as evidence that the merchant did not wish to pursue prosecution of L.W. Thus, the court's order dismissing the petition was well within the vast discretion of the court under art. 876.

For the foregoing reasons, the ruling of the juvenile court is affirmed.

AFFIRMED