

**STATE OF LOUISIANA IN
THE INTEREST OF T.G.**

*** NO. 2009-CA-0883
* COURT OF APPEAL
* FOURTH CIRCUIT
* STATE OF LOUISIANA**

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BELSOME, J. DISSENTS WITH REASONS.

In this case, the State sought a continuance of the 30-day period on the date of trial, which the court denied. When dismissing the petition, the trial court plainly stated that it found no good cause to extend the statutory guidelines for bringing T.G. to adjudication. Therefore, this writer cannot agree that the trial court erred in dismissing the petition.

It is well-settled that if no good cause is shown to extend the applicable 30-day period when a juvenile is in custody, the court **shall** release the child and dismiss the petition – precisely the scenario in the instant case. La. Ch. Code art. 877. Notably, upon learning that the court found no good cause to extend the statutory guidelines and denied the continuance, the State did not attempt to secure a new trial date within the three days remaining. Instead, the State suggested that the court release T.G. so that the 90-day period would be applicable, thus allowing the State to further delay T.G.’s adjudication.¹ This suggestion to the trial court was merely a transparent attempt to circumvent the clear mandates of La. Ch. Code art. 877.

¹ As the majority acknowledges, after the trial court informed the State that it found no good cause to continue the matter beyond the statutory guidelines and dismissed the case, the State responded: “Your honor, note the State’s objection for the record. If the juvenile is released, we will be well within the 90-day guideline.”

Likewise, the trial court did not err in dismissing the petition three days before the 30-day period had run. “It is incumbent on the state to make a showing of good cause and obtain an extension *before* the period has run.” *State in the Interest of R.D.C., Jr.*, 93-1865 (La. 2/28/94), 632 So.2d 745, 748 (emphasis in original). Implicit in the State’s request for a continuance and subsequent reference to the 90-day guideline if T.G. were released was a request for a continuance beyond the 30-day limitation. The trial court, within its discretion, denied that request and dismissed the petition pursuant to La. Ch. Code art. 877(C).² Accordingly, the trial court’s judgment should be affirmed. Therefore, I dissent.

² See *State in the Interest of R.D.C., Jr.*, 93-1865 (La. 2/28/94), 632 So.2d 745, 748 (finding that “the state timely sought a continuance, but the court denied the motion, implicitly finding no good cause for an extension”).