

The Supreme Court of the State of Louisiana

**STATE OF LOUISIANA IN THE INTEREST
OF M.B.**

No.2020-CK-01414

IN RE: Confidential Party - Applicant Other; Applying For Supervisory Writ, Parish of Orleans Criminal, Orleans Juvenile Court Number(s) 2020-343-02-DQ-F, Court of Appeal, Fourth Circuit, Number(s) 2020-C-0634;

December 22, 2020

Writ application granted. See per curiam.

JLW

JTG

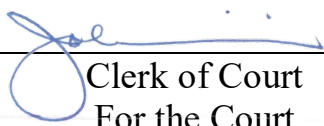
WJC

JBM

Hughes, J., dissents.

Crichton, J., dissents and assigns reasons.

Supreme Court of Louisiana
December 22, 2020


Clerk of Court
For the Court

12/22/2020

SUPREME COURT OF LOUISIANA

No. 2020-CK-01414

STATE OF LOUISIANA IN THE INTEREST OF M.B.

**ON SUPERVISORY WRIT TO THE JUVENILE COURT,
PARISH OF ORLEANS**

PER CURIAM:

Writ granted. On December 4, 2020, 14-year-old M.B. was arrested on several charges and detained at the Juvenile Justice Intervention Center in Orleans Parish. On December 8, 2020, M.B. filed a Motion for Immediate Release on the grounds that the juvenile court had failed to hold a continued custody hearing within three days of his detention, as required by La.Ch.C. art. 819 et seq. That same day, the juvenile court scheduled a hearing via Zoom, at which the court denied the Motion for Immediate Release, citing pandemic-related scheduling difficulties and a heavy caseload as reasons for failing to hold a hearing within the statutorily mandated time. The court of appeal denied writs without comment. *State v. M.B.*, 20-0634 (La. App. 4 Cir. 12/10/20) (unpub'd).

When a child is taken into custody, the juvenile court must set and hold an adversarial continued custody hearing within three days. La.Ch.C. art. 819. At the hearing, the state must prove there is probable cause that the juvenile has committed a delinquent act. La.C.Ch. art. 820. If the court fails to hold the continued custody hearing within three days of the child's detention, or if the state fails to meet its burden at the hearing, the child must be released. La.Ch.C. art. 821.

Here, the juvenile court failed to hold a continued custody hearing within three days of M.B.'s entry into a juvenile detention facility. As such, La.Ch.C. art. 819

mandates that he be released. Accordingly, the juvenile court's ruling denying M.B.'s Motion for Immediate Release is vacated. M.B. is ordered released. We remand to the juvenile court for further proceedings consistent with this opinion.

VACATED AND REMANDED