

## 9.6 Finding of Probable Cause

---

### 9.6 Finding of Probable Cause

**Mandatory transfer to superior court.** If the court finds probable cause to believe that the juvenile committed an offense that would constitute a Class A felony if committed by an adult, the court *must* transfer the case to superior court for the juvenile to be tried as an adult. G.S. 7B-2200.

**Discretionary transfer to superior court.** On a finding of probable cause to believe that the juvenile committed a felony that would be less than a Class A felony if committed by an adult, the prosecutor, the juvenile, or the court may move for a hearing on transfer to superior court. G.S. 7B-2200. If the juvenile has not had at least five days notice of the intent to seek transfer, the court must continue the transfer hearing at the juvenile's request. G.S. 7B-2202(e).

If the matter proceeds to adjudication in juvenile court in front of the judge who presided over the probable cause hearing, counsel may consider moving for recusal. The judge has ruled on probable cause and might have heard prejudicial hearsay testimony or other evidence that would be inadmissible at the adjudicatory hearing.