

SUPREME COURT OF NEBRASKA

State v. Tyler P.

299 Neb. 959 (2018) · No. No. S-17-1250 · Decided May 11, 2018

SUMMARY

The Nebraska Supreme Court affirmed the district court’s transfer of Tyler P.’s felony case to juvenile court. The court held that the State failed to establish a sound basis for retaining the matter in adult court under Nebraska’s juvenile-transfer statutes. Although the district court erred by not reviewing police reports before ruling, the error was harmless because the reports largely duplicated other evidence and did not affect the outcome.

CASE DETAILS

COURT	Supreme Court of Nebraska
WRITING FOR THE COURT	Funke, J.; Heavican, C.J.; Miller-Lerman, J.; Cassel, J.; Stacy, J.; Riedmann, Judge; Martinez, District Judge
JURISDICTION	Nebraska
DECIDED	May 11, 2018
DOCKET	No. S-17-1250
DISPOSITION	affirmed
PROCEDURAL POSTURE	The State appealed from the Douglas County District Court's order granting Tyler P.'s motion to transfer his pending felony prosecution to juvenile court.
STANDARD OF REVIEW	A motion to transfer a pending criminal proceeding to juvenile court is reviewed for abuse of discretion. Abuse of discretion is highly deferential and exists when a trial court's reasons or rulings are clearly untenable, unfairly depriving a litigant of a substantial right and denying just results.
PRECEDENTIAL VALUE	Published Nebraska Supreme Court opinion; precedential.
PARTIES	State of Nebraska v. Tyler P.

TOPICS

- criminal procedure
- appellate procedure
- standard of review
- harmless error
- evidence

PRACTICE AREAS

criminal law

juvenile law

criminal procedure

appellate procedure

QUESTIONS PRESENTED

1. Whether the district court abused its discretion by transferring Tyler's pending felony prosecution to juvenile court rather than retaining jurisdiction.
2. Whether the district court made sufficiently specific findings under Neb. Rev. Stat. §§ 29-1816(3)(b) and 43-276.
3. Whether the district court's failure to review police reports before ruling required reversal of the transfer order.

HOLDINGS

1. The district court did not abuse its discretion in transferring Tyler's case to juvenile court. After considering the statutory factors, the court properly applied the general rule that transfer is required unless the State proves a sound basis for retaining the case in district court.
2. The district court's oral findings were sufficiently specific to permit meaningful appellate review, even though the written order merely incorporated the reasons stated in open court and did not address every statutory factor.
3. The district court erred by failing to review police reports offered into evidence before ruling, but the error was harmless and did not require reversal.

KEY QUOTATIONS

"It is a balancing test by which public protection and societal security are weighed against the practical and nonproblematical rehabilitation of the juvenile." (969)

"Abuse of discretion is a highly deferential standard of review." (970)

"As a result, the error of not reviewing the police reports, in light of the totality of the record, did not influence the outcome of the case." (973)

FACTUAL BACKGROUND

Tyler P. was 17 when he was charged with two counts of attempted second degree murder, two counts of using a firearm to commit a felony, and second degree assault arising from a violent disturbance at his family's home. The evidence indicated that he had consumed alcohol, assaulted his parents, used a baseball bat, obtained a shotgun, and was involved in an exchange of gunfire with law enforcement. A forensic psychiatrist testified that Tyler had suffered a traumatic brain injury during football and that the injury caused an amnesic episode, impaired his appreciation of his conduct, and had a favorable prognosis with treatment. Tyler had no prior juvenile or criminal record and had not engaged in further violence while on bond.

PROCEDURAL HISTORY

Tyler, who was 17 years old when charged with multiple felonies, moved under Neb. Rev. Stat. §§ 29-1816 and 43-261 to transfer the case from district court to juvenile court. After a transfer hearing, the district court granted the motion. The State appealed, arguing that a sound basis required retention in adult court, that the district court made insufficient statutory findings, and that it failed to consider police reports before ruling. The Nebraska Supreme Court held that the district court did not abuse its discretion, made sufficiently specific oral findings, and committed harmless error by failing to review the police reports before deciding the motion.

DISPOSITION

affirmed

CASES CITED

- State v. Hunt, 299 Neb. 573, 909 N.W.2d 363 (2018)
- State v. Dimmitt, 5 Neb. Ct. App. 451, 560 N.W.2d 498 (1997)
- State v. Thieszen, 232 Neb. 952, 442 N.W.2d 887 (1989)
- State v. Doyle, 237 Neb. 60, 464 N.W.2d 779 (1991)
- State v. Alexander, 215 Neb. 478, 339 N.W.2d 297 (1983)
- State v. Dominguez, 290 Neb. 477, 860 N.W.2d 732 (2015)
- Rodriguez v. Surgical Assocs. P.C., 298 Neb. 573, 905 N.W.2d 247 (2018)
- Osantowski v. Osantowski, 298 Neb. 339, 904 N.W.2d 251 (2017)
- State v. Phinney, 235 Neb. 486, 455 N.W.2d 795 (1990)
- Kent v. United States, 383 U.S. 541, 561 (1966)
- State v. Trevino, 230 Neb. 494, 432 N.W.2d 503 (1988)
- State v. Stewart, 197 Neb. 497, 250 N.W.2d 849 (1977)
- State v. Palmer, 224 Neb. 282, 399 N.W.2d 706 (1986)
- State v. Kidder, 299 Neb. 232, 908 N.W.2d 1 (2018)