

SUPREME COURT OF OHIO

State v. Smith

2022-Ohio-274 (Ohio 2022) · No. 2019-1813 · Decided February 3, 2022

SUMMARY

The Supreme Court of Ohio held that a juvenile court’s finding of probable cause is a jurisdictional prerequisite to transferring an act charged to adult court under R.C. 2152.12. The adult court’s jurisdiction is limited to acts charged for which the juvenile court found probable cause, and a bindover does not authorize prosecution of charges lacking such a finding. The court addressed Nicholas Smith’s challenge to adult-court convictions arising from charges and firearm specifications that the juvenile court had rejected for lack of probable cause.

CASE DETAILS

COURT	Supreme Court of Ohio
WRITING FOR THE COURT	Per curiam; Maureen O'Connor, C.J.; Jennifer Brunner, J.; Michael P. Donnelly, J.; Melody J. Stewart, J.; Patrick F. Fischer, J.; R. Patrick DeWine, J.
JURISDICTION	Ohio
DECIDED	February 3, 2022
DOCKET	2019-1813
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Smith appealed from an adult-court conviction after the juvenile court transferred his case for adult prosecution. The Supreme Court of Ohio granted discretionary review concerning whether the adult court had subject-matter jurisdiction over charges and firearm specifications for which the juvenile court had found no probable cause.
STANDARD OF REVIEW	Statutory interpretation and subject-matter jurisdiction reviewed de novo.
PRECEDENTIAL VALUE	Published opinion; precedential decision of the Supreme Court of Ohio.
PARTIES	Nicholas Smith v. State of Ohio

TOPICS

criminal procedure

probable cause

statutory interpretation

due process

PRACTICE AREAS

juvenile law

criminal procedure

appellate jurisdiction

statutory interpretation

QUESTIONS PRESENTED

1. Whether a juvenile court may conduct an amenability determination for an act charged without first finding probable cause to believe that the juvenile committed that act.
2. Whether a juvenile court's transfer of a case to adult court confers jurisdiction over charges and firearm specifications for which the juvenile court found no probable cause.
3. Whether the adult court had subject-matter jurisdiction over Counts 4, 6, 7, and 8 and the firearm specifications in Smith's indictment and conviction.

HOLDINGS

1. A finding of probable cause is a jurisdictional prerequisite to transferring a juvenile to adult court for prosecution of an act charged. For a discretionary bindover, the juvenile court must find probable cause before determining whether the juvenile is amenable to care or rehabilitation within the juvenile system.
2. A juvenile court may transfer a case or matter to adult court, but the adult court's jurisdiction is limited to the acts charged for which the juvenile court found probable cause.
3. The General Division of the Cuyahoga County Court of Common Pleas lacked subject-matter jurisdiction over Counts 4, 6, 7, and 8 and the firearm specifications because the juvenile court found no probable cause for those acts and specifications.

KEY QUOTATIONS

“we hold that a juvenile court’s amenability determination with regard to an act that is charged in the juvenile court is first subject to a finding that there is probable cause to believe that the child committed the act charged and that a transfer of the acts charged to adult court confers jurisdiction to adjudicate only the acts charged for which probable cause has been found by the juvenile court.” (¶ 26)

“Therefore, a juvenile court may transfer a case or a matter to adult court, but the adult court’s jurisdiction is limited to the acts charged for which probable cause was found.” (¶ 29)

“A finding of probable cause is a jurisdictional prerequisite under R.C. 2152.12 to transferring a child to adult court for prosecution of an act charged.” (¶ 44)

FACTUAL BACKGROUND

Sixteen-year-old Nicholas Smith and another juvenile allegedly confronted two women in Cleveland, took a purse and cellphone, obtained vehicle keys, and drove away in one woman's car. Police tracked the cellphone and found it in Smith's pocket shortly after the incident. The juvenile court found probable cause for aggravated robbery and grand theft but not for several other counts, firearm specifications, or related offenses, then transferred Smith to adult court after finding him not amenable to juvenile rehabilitation.

PROCEDURAL HISTORY

Smith was charged in juvenile court with eight counts arising from an alleged robbery and related conduct. The juvenile court found probable cause for aggravated robbery and grand theft, found no probable cause for several other counts and firearm specifications, determined that Smith was not amenable to juvenile rehabilitation, and transferred the case to adult court. The adult grand jury indicted Smith on the original charges plus an escape charge; Smith pleaded guilty to amended charges and received an aggregate nine-year prison sentence. The Eighth District affirmed, but the Supreme Court of Ohio reversed, vacated the conviction, and remanded.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The judgment of the court of appeals was reversed, Smith's conviction was vacated, and the cause was remanded to the trial court for further proceedings consistent with the opinion.

CASES CITED

- State v. Hanning, 89 Ohio St. 3d 86, 728 N.E.2d 1059 (2000)
- In re Gault, 387 U.S. 1, 87 S. Ct. 1428, 18 L. Ed. 2d 527 (1967)
- Allen v. Illinois, 478 U.S. 364, 106 S. Ct. 2988, 92 L. Ed. 2d 296 (1986)
- State v. Hand, 149 Ohio St. 3d 94, 2016-Ohio-5504, 73 N.E.3d 448
- In re Agler, 19 Ohio St. 2d 70, 249 N.E.2d 808 (1969)
- In re Z.R., 144 Ohio St. 3d 380, 2015-Ohio-3306, 44 N.E.3d 239
- In re C.S., 115 Ohio St. 3d 267, 2007-Ohio-4919, 874 N.E.2d 1177
- State v. D.W., 133 Ohio St. 3d 434, 2012-Ohio-4544, 978 N.E.2d 894
- State v. Rosser, 8th Dist. Cuyahoga No. 104624, 2017-Ohio-5572
- State v. Frazier, 8th Dist. Cuyahoga Nos. 106772 and 106773, 2019-Ohio-1433
- State v. Aalim, 150 Ohio St. 3d 489, 2017-Ohio-2956, 83 N.E.3d 883
- Brecksville v. Cook, 75 Ohio St. 3d 53, 661 N.E.2d 706 (1996)
- State v. Owens, 162 Ohio St. 3d 596, 2020-Ohio-4616, 166 N.E.3d 1142
- Boley v. Goodyear Tire & Rubber Co., 125 Ohio St. 3d 510, 2010-Ohio-2550, 929 N.E.2d 448
- State v. Iacona, 93 Ohio St. 3d 83, 752 N.E.2d 937 (2001)
- State v. Adams, 69 Ohio St. 2d 120, 431 N.E.2d 326 (1982)
- State v. Wilson, 73 Ohio St. 3d 40, 652 N.E.2d 196 (1995)