

NEBRASKA SUPREME COURT

State v. A.D.; State v. C.M.

305 Neb. 154 (2020) · No. Nos. S-19-583, S-19-678 · Decided February 28, 2020

SUMMARY

The Nebraska Supreme Court held that county courts lack jurisdiction to decide motions to transfer felony criminal cases involving juveniles to juvenile court when the county court lacks jurisdiction to try the underlying felony. Because the county court lacked jurisdiction over the transfer motions, the Supreme Court dismissed the consolidated appeals.

CASE DETAILS

COURT	Nebraska Supreme Court
WRITING FOR THE COURT	Papik, J.; Heavican, C.J.; Miller-Lerman, J.; Cassel, J.; Stacy, J.; Funke, J.; Freudenberg, J.
JURISDICTION	Nebraska
DECIDED	February 28, 2020
DOCKET	Nos. S-19-583, S-19-678
DISPOSITION	dismissed
PROCEDURAL POSTURE	Appellants appealed county court orders concluding that the county court lacked jurisdiction to decide their motions to transfer felony cases to juvenile court. The Nebraska Supreme Court consolidated the appeals and dismissed them for lack of appellate jurisdiction.
STANDARD OF REVIEW	Jurisdictional questions not involving factual disputes and questions of statutory interpretation are reviewed de novo, independently of the lower court's decision.
PRECEDENTIAL VALUE	Published Nebraska Supreme Court opinion; precedential.
PARTIES	A.D., C.M. v. State of Nebraska

TOPICS

- appellate jurisdiction
- criminal procedure
- statutory interpretation
- appellate procedure
- preliminary hearing

PRACTICE AREAS

- criminal procedure
- juvenile law
- appellate jurisdiction
- statutory interpretation

QUESTIONS PRESENTED

1. Whether a Nebraska county court has jurisdiction to decide a motion to transfer a felony case involving a juvenile to juvenile court.
2. Whether the Nebraska Supreme Court had jurisdiction to decide the appeals after the county court determined that it lacked jurisdiction over the transfer motions.

HOLDINGS

1. A county court does not have jurisdiction to decide a motion to transfer a felony case to juvenile court when the county court lacks jurisdiction to try the underlying felony. References in Neb. Rev. Stat. §§ 43-246.01 and 29-1816 to county or district courts must be read in light of the jurisdiction otherwise granted to those courts.
2. When the lower court lacks subject-matter jurisdiction to adjudicate the claim, issue, or question presented, the appellate court likewise lacks jurisdiction to determine its merits; an appeal outside the appellate court's jurisdiction must be dismissed.

KEY QUOTATIONS

“Where it is possible to harmonize apparently conflicting statutes, a court should do so.” (at 163)

“When a lower court lacks the power, that is, the subject matter jurisdiction, to adjudicate the merits of a claim, issue, or question, an appellate court also lacks the power to determine the merits of the claim, issue, or question presented to the lower court.” (at 164)

FACTUAL BACKGROUND

The State filed county-court felony complaints against A.D. and C.M. Both appellants were alleged to have been between 14 and 18 years old when they committed the charged offenses. Each sought transfer to juvenile court under Neb. Rev. Stat. §§ 29-1816 and 43-276. The county court ruled that it lacked jurisdiction to decide the transfer motions because its authority in felony cases was limited to conducting preliminary hearings.

PROCEDURAL HISTORY

The State charged A.D. with first degree sexual assault, a Class II felony, and C.M. with possession of a stolen firearm, a Class IIA felony, in Sarpy County Court. Each appellant moved to transfer the felony case to juvenile court. After hearings, the county court concluded that it lacked jurisdiction to decide the motions and scheduled preliminary hearings. Before either preliminary hearing occurred, appellants appealed; the Nebraska Supreme Court moved the appeals to its docket, consolidated them, and dismissed them.

DISPOSITION

dismissed

CASES CITED

- Green v. Seiffert, 304 Neb. 212, 933 N.W.2d 590 (2019)

- Griffith v. Nebraska Dept. of Corr. Servs., 304 Neb. 287, 934 N.W.2d 169 (2019)
- State v. Bluett, 295 Neb. 369, 889 N.W.2d 83 (2016)
- State v. Uhing, 301 Neb. 768, 919 N.W.2d 909 (2018)
- In re Estate of Evertson, 295 Neb. 301, 889 N.W.2d 73 (2016)
- State v. Schanaman, 286 Neb. 125, 835 N.W.2d 66 (2013)
- In re Interest of Tyrone K., 295 Neb. 193, 887 N.W.2d 489 (2016)
- State v. Wilkinson, 219 Neb. 685, 365 N.W.2d 478 (1985)
- State v. Tyler P., 299 Neb. 959, 911 N.W.2d 260 (2018)
- State v. Jedlicka, ante p. 52, ___ N.W.2d ___ (2020)
- Salem Grain Co. v. City of Falls City, 302 Neb. 548, 924 N.W.2d 678 (2019)
- Whitman v. American Trucking Assns., Inc., 531 U.S. 457, 468, 121 S. Ct. 903, 149 L. Ed. 2d 1 (2001)
- Rogers v. Jack's Supper Club, 304 Neb. 605, 614, 935 N.W.2d 754, 762 (2020)