

S-25-0137, S-25-0138, S-25-0139, S-25-0140, and S-25-0141 *In re Interest of Johnny H., State of Nebraska* (Appellee) v. *Johnny H.* (Appellant)

Appeal from the Separate Juvenile Court for Sarpy County, Judge Jonathon D. Crosby

Attorneys: Todd A. West and Dennis P. Marks (Sarpy County Public Defender's Office for Appellant) and Andrew T. Erickson (Deputy Sarpy County Attorney for Appellee)

Juvenile: Rehabilitative services offered on probation

In January 2025, Johnny H. was seventeen years old. Between 2022 and 2024, he was placed on juvenile probation on five juvenile court dockets for the following: 1) truancy, 2) theft (less than \$500), 3) third-degree assault (mutual consent), 4) theft (between \$500 and \$1,500), and 5) robbery. As a part of his juvenile probation, he was ordered to go to school, go to therapy, work with a community coach, to participate in pro-social activities, to complete a psychological evaluation, to attend summer school, and to complete rehabilitation programs. In 2024, Johnny was temporarily detained for robbery, but the juvenile court released him to his home but placed him in a program that provided additional services.

In January 2025, Johnny was charged in adult court with attempted robbery. Johnny asked that the new charge be transferred to juvenile court, but the adult court denied this request. Because of the new charge, the State asked that the juvenile court close Johnny's cases, which would mean that his probation would end unsuccessfully and that he would not be eligible to have his juvenile records sealed. The State asked for this because it alleged that Johnny was not amenable (agreeable) to rehabilitative services. At a hearing, a probation officer explained that Johnny had been either removed from or denied services, he could not recommend additional services for Johnny that would help him. A psychologist testified Johnny had manipulative and criminal behaviors. After the hearing, the juvenile court found that many services had been offered to Johnny, but his criminal behavior continued. Because Johnny was close to being eighteen years old, the juvenile court determined that he was not amenable to rehabilitative services and closed Johnny's juvenile court cases. Johnny appealed these decisions, and the Supreme Court transferred these cases from the docket of the Court of Appeals to its docket.

On appeal, the parties disagree whether Johnny was offered new and appropriate

rehabilitative services on each of the juvenile court dockets. He argues that juvenile court never ordered him not to violate any laws, so the juvenile court incorrectly relied on his continued criminal activity as a reason to find that he was not amenable to rehabilitation. Further, when it closed the cases, the juvenile court mistakenly indicated that Johnny was involved in two robberies (instead of one) as well as a burglary. Because of this, Johnny contends that the juvenile court erred in finding that he was violent and a safety risk to the community. The parties have filed briefs with the Nebraska Supreme Court, and the case is now ready for oral arguments. Each party will have ten minutes to argue their case before the Supreme Court and to answer questions from Supreme Court Justices.