

IN THE NEBRASKA COURT OF APPEALS

**MEMORANDUM OPINION AND JUDGMENT ON APPEAL
(Memorandum Web Opinion)**

STATE V. JCAURI S.

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STATE OF NEBRASKA, APPELLEE,

V.

JCAURI S., APPELLANT.

Filed October 13, 2026. No. A-26-362.

Appeal from the District Court for Douglas County: TODD O. ENGLEMAN, Judge. Affirmed.
Thomas C. Riley, Douglas County Public Defender, and Annie O. Petersen for appellant.
Michael T. Hilgers, Attorney General, and Jacob M. Waggoner for appellee.

PIRTLE, WELCH, and PICCOLO, Judges.

PIRTLE, Judge.

INTRODUCTION

Jcauri S. appeals from the order of the Douglas County District Court that denied his motion to transfer his case from the district court to juvenile court. Finding no abuse of discretion, we affirm.

BACKGROUND

On June 8, 2025, at approximately 2:39 a.m., officers of the Omaha Police Department (OPD) responded to a report of gun fire. Upon arrival to the location where they were dispatched, officers located two victims: Ashtin Fletcher, suffering from an apparent gunshot wound to the head, and John Davis, suffering from gunshot wounds to the legs. Fletcher was pronounced dead at the scene while Davis was transported to the hospital and was released after treatment for his injuries.

Fletcher and Davis had been walking in a neighborhood when two individuals got out of a vehicle and started shooting at them. Security camera footage captured the suspect vehicle, along with two shooters getting out of the vehicle and shooting at Fletcher and Davis. Anonymous tips identified the vehicle, from where it was stolen, the identity of the suspects (one of whom was Jcauri), and the location of the firearms used in the shooting. OPD located the suspect vehicle, executed search warrants, interviewed Jcauri, took buccal swabs, and tested items in the vehicle. A doorbell camera video from another suspect's home captured Jcauri admitting to shooting the victims.

Jcauri was interviewed by OPD and admitted to stealing the vehicle. He also asked the interviewing officer why he was saying it was only Jcauri that was involved in the shooting when OPD already knew who he was with during the shooting. He also stated he did not know either of the victims. Jcauri's Instagram account was subpoenaed and detailed him attempting to sell an assault rifle immediately following the homicide.

On July 30, 2025, the State filed an information charging Jcauri with first degree murder, a Class IA felony; first degree assault, a Class II felony; and two counts of use of a weapon (firearm) to commit a felony, Class IC felonies. Jcauri was born in June 2009, making him 15 years, 11 months old when the alleged crimes were committed and just over 16 years old at the time the information was filed.

On August 1, 2025, Jcauri filed a motion to transfer the case to juvenile court. A hearing was held on the motion.

James Bankhead, a juvenile probation officer who supervises high risk juveniles, testified that the present case was the type of case he would be assigned if it was transferred to juvenile court. Bankhead testified about the different placement options for juveniles and that it was highly unlikely that any in-state or out-of-state group home would accept a juvenile with a first degree murder charge. If placement in a group home was not available, the only other option for rehabilitative services would be the Youth Rehabilitative Treatment Center (YRTC) in Kearney, Nebraska. The juveniles at YRTC go to school, receive therapy, and have structured activities. YRTC must take any juvenile that a judge sends there. Bankhead explained that no matter where a juvenile is placed, the juvenile can only be held there until the age of 19, which is also when the juvenile court's jurisdiction ends. At the time of the hearing, there were just over 2 years to provide juvenile services to Jcauri.

Cole Johannsen, a detective in the OPD Gang Intelligence Unit, testified that Jcauri was a known member of a North Omaha gang known as the 44th Avenue Crips. Jcauri also self-reported he was gang affiliated when he was being booked into the Douglas County Youth Center following his arrest. Johannsen testified that prior to Jcauri's arrest in this case, he had no prior gang related criminal history. The other two individuals who were arrested in connection with this case were also documented gang members. Johannsen also testified about several photos in Jcauri's Instagram account that indicated gang affiliation.

The State's exhibits offered and received into evidence included Jcauri's juvenile intake summary, police reports, Jcauri's past contacts with law enforcement, and his interview with OPD.

Jcauri called Kari Perez, a psychologist, to testify. She had conducted a forensic psychological evaluation of Jcauri. In preparation for the evaluation, she reviewed police reports,

Jcauri's police interview, school records, and medical records. The evaluation included five interviews with Jcauri, as well as interviews with his parents.

The evaluation also included psychological testing, which involves looking for a diagnosis that may provide information about treatment needs, as well as forensic testing, which looks at treatment amenability and developmental maturity.

Perez learned that in fifth grade Jcauri had a brain tumor removed, resulting in trouble with emotion regulation and executive functioning. In middle school, he started having behavior problems, such as getting into fights or physical altercations. He also was sneaking out of the house and smoking marijuana. He also told Perez he had stolen a car on two separate occasions. Jcauri told Perez he had gone through juvenile diversion at some point in the past and completed it.

Perez diagnosed Jcauri with Attention Deficit Hyperactivity Disorder, which often makes an individual more impulsive or makes decisions quickly without thinking about the consequences. She also diagnosed him with adjustment disorder with depressed and anxious features, which she attributed to his being detained and the charges against him.

Perez further diagnosed Jcauri with mild intellectual disability, meaning his cognitive functioning was below what is considered normative. His spelling ability was at a second grade level and his reading and reading comprehension abilities were at a fourth grade level. She explained that an individual with mild intellectual disability can understand what is right and wrong, and what is legal and illegal, but is more likely to not think through the consequences of actions and to be more vulnerable to being taken advantage of by others.

Finally, Perez diagnosed Jcauri with cannabis disorder, as well as conduct disorder, adolescent onset, which involves participating in behaviors that are problematic, such as dishonesty, theft, running away, and violence toward individuals.

Perez testified that in one of the assessments she used, Jcauri was rated as a medium risk for future violence. She testified that this risk factor could be targeted with a specific treatment in juvenile court that has been proven effective. She further testified that based on testing results, Jcauri's treatment amenability was very likely, meaning that treatment in juvenile court would very likely be successful in preventing him from engaging in future crime. Perez testified that she believed juvenile court had the resources that Jcauri would need to be rehabilitated before age 19. She also opined that Jcauri could be rehabilitated before age 19. Perez testified that the treatment programs in juvenile court would be far more tailored to Jcauri's specific diagnosis, life situation, and needs than any programs in criminal court.

Melissa Driscoll, a Juvenile Court Coordinator with the Douglas County Public Defender's Office, testified about the process that occurs after a case is transferred to juvenile court. She testified that a juvenile court petition would be filed and a detention review hearing held. Driscoll stated that some services can be implemented at the detention hearing, including placement evaluations. After a juvenile pleads or is adjudicated, the dispositional phase follows. This phase could include out of home placement, evaluations, probation, and a predisposition investigation. Driscoll explained the placement options available. She further testified that the youth prison within the Department of Corrections offers services, but they are voluntary, unlike services provided in the juvenile system.

Driscoll testified that while Jcauri has been placed at the Douglas County Youth Center he had been rated at "level 4," which is the level that gets the most incentives for good behavior. She

testified that she was aware of Jcauri's diagnosed conditions and Perez' recommendations, and in her experience the juvenile court system would be able to provide the services Jcauri needed. Driscoll admitted that finding placement for a juvenile involved in a first degree murder case is challenging.

Following the hearing, the district court denied Jcauri's motion to transfer the case to juvenile court.

ASSIGNMENTS OF ERROR

Jcauri assigns (1) the district court erred by disregarding the rehabilitative purpose of Neb. Rev. Stat. § 29-1816 (Cum. Supp. 2024) and focusing instead on punitive outcomes, (2) the district court abused its discretion in denying his motion to transfer under Neb. Rev. Stat. § 43-276 (Cum. Supp. 2024), and (3) the State offered insufficient evidence to sustain retention of the case in district court.

STANDARD OF REVIEW

In appeals from an order of the county or district court in a pending criminal case granting or denying a motion to transfer the case to juvenile court, the ruling is reviewed for an abuse of discretion. *State v. Damore*, 320 Neb. 914, 31 N.W.3d 604 (2026).

A judicial abuse of discretion exists if the reasons or rulings of a trial judge are clearly untenable, unfairly depriving a litigant of a substantial right and denying just results in matters submitted for disposition. *Id.*

ANALYSIS

Legal Framework.

Neb. Rev. Stat. § 43-246.01(3) (Cum. Supp. 2024) grants concurrent jurisdiction to the juvenile court and the county or district courts over juvenile offenders who (1) are 11 years of age or older and commit a traffic offense that is not a felony or (2) are 14 years of age or older and commit a Class I, IA, IB, IC, ID, II, or IIA felony. Actions against these juveniles may be initiated either in juvenile court or in the county or district court. In the present case, the allegations against Jcauri put him within the latter category of juvenile offenders, and the State filed charges against him in the district court.

When an alleged offense is one over which both the juvenile court and the criminal court can exercise jurisdiction, a party can move to transfer the matter. For matters initiated in criminal court, a party can move to transfer it to juvenile court pursuant to § 29-1816(3).

In the instant case, after Jcauri moved to transfer his case to juvenile court, the district court conducted a hearing pursuant to § 29-1816(3)(a), which subsection requires consideration of the following factors set forth in § 43-276(1):

- (a) The type of treatment such juvenile would most likely be amenable to;
- (b) whether there is evidence that the alleged offense included violence;
- (c) the motivation for the commission of the offense;
- (d) the age of the juvenile and the ages and circumstances of any others involved in the offense;
- (e) the previous history of the juvenile, including whether he or she had been convicted of any previous offenses or adjudicated in juvenile court;
- (f) the best interests of the juvenile;
- (g) consideration of public safety;
- (h)

consideration of the juvenile's ability to appreciate the nature and seriousness of his or her conduct; (i) whether the best interests of the juvenile and the security of the public may require that the juvenile continue in secure detention or under supervision for a period extending beyond his or her minority and, if so, the available alternatives best suited to this purpose; (j) whether the victim or juvenile agree to participate in restorative justice; (k) whether there is a juvenile pretrial diversion program established pursuant to sections 43-260.02 to 43-260.07; (l) whether the juvenile has been convicted of or has acknowledged unauthorized use or possession of a firearm; (m) whether a juvenile court order has been issued for the juvenile pursuant to section 43-2,106.03; (n) whether the juvenile is a criminal street gang member; and (o) such other matters as the parties deem relevant to aid in the decision.

The customary rules of evidence shall not be followed at such hearing and, “[a]fter considering all the evidence and reasons presented by both parties, the case shall be transferred to juvenile court unless a sound basis exists for retaining the case in county court or district court.” § 29-1816(3)(a). When a district court’s basis for retaining jurisdiction over a juvenile is supported by appropriate evidence, it cannot be said that the court abused its discretion in refusing to transfer the case to juvenile court. *State v. Jeremiah T.*, 319 Neb. 133, 21 N.W.3d 313 (2025).

In order to retain proceedings in criminal court, the court need not resolve every statutory factor against the juvenile, and there are no weighted factors and no prescribed method by which more or less weight is assigned to a specific factor. *Id.* It is a balancing test by which public protection and societal security are weighed against the practical and nonproblematical rehabilitation of the juvenile. *Id.* In a motion to transfer to juvenile court, the burden of proving a sound basis for retaining jurisdiction in county court or district court lies with the State. *Id.*

When a district court’s basis for retaining jurisdiction over a juvenile is supported by appropriate evidence, it cannot be said that the court abused its discretion in refusing to transfer the case to juvenile court. *State v. Aldana Cardenas*, 314 Neb. 544, 990 N.W.2d 915 (2023).

Rehabilitative Purpose of § 29-1816.

Jcauri first assigns that the district court erred by disregarding the rehabilitative purpose of § 29-1816 and focused instead on a punitive outcome. Jcauri refers to the district court’s order wherein it stated, “[b]ased on the severity of these crimes, the age of [Jcauri], and the fact that he is facing life in prison, plus 150 years if convicted, the best interests of [Jcauri] and the public indicate he should continue in custody for a period extending beyond his minority.” Jcauri contends that this conclusion ignores most of the statutory factors the court is supposed to consider and shows that the district court believed the discrepancy in the possible criminal sentence compared to the length of juvenile court jurisdiction was just too great to support transferring the case.

However, the language quoted above from the district court’s order is found in its analysis of one specific factor: “whether the best interests of the juvenile and the security of the public may require that the juvenile continue in secure detention or under supervision for a period extending beyond his or her minority and, if so, the available alternatives best suited to this purpose.” § 43-276(1)(i). This was only one factor the district court was to consider. In its order denying

Jcauri's motion to transfer, the district court properly addressed each of the factors set forth in § 43-276(1) that the court is to consider in determining whether to transfer a case to juvenile court. This first assignment of error fails.

No Abuse of Discretion.

Jcauri's next two assignments of error are closely related and will be addressed together. He assigns the district court abused its discretion in overruling his motion to transfer and that the State did not meet its burden to prove a sound basis for retention in district court.

As previously stated, the district court addressed each of the factors set forth in § 43-276(1). It stated that it had carefully considered the matter in light of the relevant statutory criteria, and it found that the majority of factors favored retaining jurisdiction in the district court. The court concluded:

Given the serious nature of the offenses, the extreme violence associated with the offenses, [Jcauri's] previous contacts with the juvenile court system, his sophistication, age, maturity and the security of the public, the court finds that the juvenile system would be inadequate. Having balanced the public protection and societal security against the practical and non-problematic rehabilitation of [Jcauri], the court finds that a transfer of jurisdiction was not appropriate and that there is a sound basis to retain jurisdiction.

Jcauri essentially argues that the district court abused its discretion in analyzing multiple § 43-276(1) factors, concluding they weighed in favor of retention. He is essentially asking this court to reweigh and reconsider the factors and reach the opposite conclusion of the district court.

Our review of a ruling denying a motion to transfer the case to juvenile court is for an abuse of discretion. See *State v. Damore*, 320 Neb. 914, 31 N.W.3d 604 (2026). Abuse of discretion is a highly deferential standard of review. *State v. Jeremiah T.*, 319 Neb. 133, 21 N.W.3d 313 (2025). In reviewing a trial court's ruling on a transfer motion, an appellate court's function is not to review the record de novo to determine whether it thinks the case should be transferred. *Id.* Instead, an appellate court's review is limited to determining whether the trial court's reasons and rulings are clearly untenable. *Id.* To be "untenable" is to be "incapable of being defended." *Id.* at 152, 21 N.W.3d at 327 (quoting Webster's Encyclopedic Unabridged Dictionary of the English Language 1567 (1989)). If an appellate court substitutes its judgment regarding the weight of the evidence, it fails to apply an abuse of discretion standard of review. See *State v. Jeremiah T.*, *supra*.

Applying the abuse of discretion standard of review to the present case, we cannot say the district court's ruling is clearly untenable or "incapable of being defended." The evidence supports the district court's conclusion.

In summary, the district court noted Jcauri's gang involvement, including that he self-reported he was gang affiliated. The charges against Jcauri are all violent crimes, including first degree murder. The acts were committed without provocation and Jcauri did not know the victims. The court stated the motivation for the crimes seemed to have been to drive around in a stolen vehicle and find someone to shoot and kill, regardless of any gang affiliation or prior history with him. The court noted Jcauri's history of violent behavior, consisting primarily of fights or physical altercations, and that he had previously gone through juvenile diversion and completed it. The program had little impact on him and did not alter his criminal activity. Rather, his criminal

activity escalated. The district court determined that public safety was a concern based on the violent nature of the offenses as well as the fact that the victims were strangers to Jcauri.

The district court also did not believe there was enough time to rehabilitate Jcauri before he aged out of the juvenile court's jurisdiction. Jcauri argues the court made assumptions about Jcauri's treatment amenability based on its own belief rather than relying on Perez' testimony, the only expert testimony adduced at the hearing. Perez opined that Jcauri's treatment amenability was very likely and that he could be successfully rehabilitated before age 19. However, the district court, as the trier of fact, is not required to take the opinions of experts as binding upon it. See *State v. Jeremiah T.*, *supra*. Testimony of expert witnesses is not treated any differently in the factfinding process than that of witnesses generally when it comes to determining weight and credibility of the testimony. *Id.* Accordingly, the district court was not bound to accept Perez' opinions regarding Jcauri's amenability to treatment and whether he could be rehabilitated before age 19.

Having considered the applicable law and the evidence adduced at the transfer hearing, neither the district court's factual findings nor its ultimate refusal to transfer the matter to the juvenile court was clearly untenable. The district court articulated a sound basis for retaining jurisdiction. Accordingly, we conclude the district court did not abuse its discretion in overruling Jcauri's motion to transfer to juvenile court. Jcauri's second and third assignments of error fail.

CONCLUSION

For the reasons stated above, we conclude that the district court did not abuse its discretion in denying Jcauri's motion to transfer the case to juvenile court. The district court's order is affirmed.

AFFIRMED.