IN THE NEBRASKA COURT OF APPEALS

MEMORANDUM OPINION AND JUDGMENT ON APPEAL
(Memorandum Web Opinion)

STATE V. PEDROSA

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STATE OF NEBRASKA, APPELLEE,

V.

LOGAN PEDROSA, APPELLANT.

Filed November 17, 2026. No. A-26-558.

Appeal from the District Court for Douglas County: JAMES M. MASTELLER, Judge. Affirmed.

Thomas C. Riley, Douglas County Public Defender, Mary Mullin Dvorak, Molly Bertelson, and Brady Hoekstra for appellant.

Michael T. Hilgers, Attorney General, and Teryn Blessin for appellee.

RIEDMANN, Chief Judge, and BISHOP and FREEMAN, Judges.

FREEMAN, Judge.

I. INTRODUCTION

Logan Pedrosa appeals from the Douglas County District Court's order denying his request to transfer his criminal proceedings to the juvenile court. Finding no abuse of discretion, we affirm.

II. BACKGROUND

1. FACTUAL BACKGROUND

In September 2025, Pedrosa, born December 2009, was charged by information in the district court with second degree murder, a Class IB felony, and use of a deadly weapon to commit a felony, a Class IC felony. The charges arose after Pedrosa, armed with a firearm, shot 22-year-old Sirr Bonner. Bonner sustained a gunshot wound to the neck and later died from his injuries. At the

time of the offense, Pedrosa was on juvenile probation for theft by unlawful taking. Pedrosa was 15 years old at the time of the offense.

In October 2025, Pedrosa filed a motion to transfer the case to the juvenile court. The district court held a hearing on the motion in May 2026. Pedrosa was 16 years old at the time of the hearing and filing of this appeal.

2. Hearing on Motion to Transfer

At the transfer hearing, the State presented testimony from officer Connor Smith with the Omaha Police Department and Richard Crall, the juvenile intake coordinator for the Douglas County juvenile probation office. Pedrosa presented testimony from Melissa Driscoll, the juvenile court coordinator at the Douglas County public defender's office.

(a) Incident and Investigation

Smith testified regarding the events of July 26, 2024, that led to Pedrosa's arrest. That evening, Omaha police officers responded to a 911 call reporting that the caller's friend had been shot. By the time officers arrived, Bonner had been transported to a hospital, where he later died from his injuries.

The Omaha police homicide unit investigated the shooting and obtained surveillance footage from a nearby business that captured the events leading up to the shooting. The footage showed several individuals gathered in a parking lot for a "car meet-up." Bonner was observed to get into a verbal argument with a group of five individuals before confronting a single individual in a red hooded sweatshirt. The confrontation became physical. Another individual standing behind the person in the red hooded sweatshirt extended his arm toward Bonner. A muzzle flash appeared at the end of the individual's outstretched arm, and Bonner collapsed moments later. The suspect group then entered a black SUV and left the scene.

Through surveillance footage and witness accounts, the Omaha Police Department identified Pedrosa as the suspected shooter. Smith testified that, during a later interview, Pedrosa identified himself as a member of a street gang called "MBC," which stands for "Must Be Criminal." According to Smith, Pedrosa also admitted to possession of the firearm, stating that "he raised his firearm, pointed it at the victim, but then blacked out and [does not] remember."

(b) Crall's Testimony

Crall testified that he supervises officers who recommend juvenile placements. Although Crall had no personal contact with Pedrosa, he reviewed records concerning his history in the juvenile court system. Crall explained that juvenile probation typically begins with in-home services for the juvenile if the juvenile can be in the community without being a safety risk. Those services may include a family support worker, multisystemic therapy, community youth coaching, and individual therapy.

In November 2024, the juvenile court adjudicated Pedrosa for theft by unlawful taking, $1,500-$5,000 involving a motor vehicle, and placed him on probation. As conditions of probation, Pedrosa was ordered to remain at home, attend school and maintain good behavior, abstain from drugs and alcohol and submit to random testing, complete a co-occurring evaluation and any recommended treatment, participate in family services and prosocial activities, cooperate with

electronic monitoring, and commit no new law violations. Probation provided Pedrosa with community youth coaching, electronic monitoring, day reporting, and a co-occurring evaluation. Crall testified that Pedrosa was "doing well, or he was compliant" while on probation. During that period, Pedrosa lived with his parents and had reportedly experienced domestic assault in the family at a younger age.

Following the events underlying the present charges, Pedrosa was detained at the Douglas County Youth Center Detention Facility (DCYC). DCYC uses a behavior level system ranging from one to four, with level four representing the highest level of demonstrated behavioral progress. While detained, Pedrosa primarily maintained a level four status. However, on one occasion, DCYC reduced him to a level zero for fighting. Level zero was indicative of restricted housing compared to a level change. On two other occasions, DCYC reduced Pedrosa to a level one for manufacturing weapons. Pedrosa continued to claim gang affiliations while detained.

Crall further testified regarding Pedrosa's personal and educational history. He described Pedrosa's maturity level as average for a youth of his age. Pedrosa's grades and school engagement fluctuated, and he experienced attendance problems and had an individualized education program.

Crall also addressed the services and placements that would be available if the case were transferred to juvenile court. He expressed concern that the nature of the present charges could make securing an out-of-home placement difficult. Crall noted that while several in-state and out-of-state placements served male juveniles, those facilities were not required to accept Pedrosa. Crall identified the Youth Rehabilitation Treatment Center (YRTC) as the remaining placement option and testified that it was the only facility required to accept Pedrosa. He also explained that juvenile probation terminates when the juvenile reaches age 19, leaving approximately 2 years and 7 months during which the juvenile court could exercise jurisdiction over Pedrosa.

On cross-examination, Crall acknowledged that district courts had transferred felony cases, firearm-related cases, and cases involving deceased victims to juvenile court. He also agreed that juvenile probation commonly supervised gang-affiliated youth and that Radius, a restorative program in Omaha, accepted high-risk youth. During redirect, Crall explained that gang members are higher risk than non-gang members based upon acquaintances, abilities, access, and criminal thinking or behavior of the gang. Crall nevertheless maintained that neither YRTC nor Radius provided the same level of security as the Nebraska Department of Correctional Services.

In addition to the above testimony, the State offered several exhibits, including police reports, certified copies of Pedrosa's juvenile court case, a juvenile intake summary, DCYC behavioral reports, Nebraska Criminal Justice Information System student summaries, the arrest warrant affidavit, and a memorandum from probation.

(c) Driscoll's Testimony

Pedrosa called Driscoll to testify regarding the progression of juvenile cases and the treatment and services available through the juvenile court. Driscoll explained that the juvenile court focused on rehabilitation by offering services to juvenile offenders. Adult probation has a unit that works with juveniles but does not have funds available for out-of-home placement for juveniles convicted in adult court. Driscoll testified that adjudication and disposition could occur relatively quickly following transfer if the parties reached an agreement, and that the juvenile court could order an out-of-home placement before completion of all evaluations. Available placement

could include "shelter care, foster care, group home, therapeutic group home, restore, which is just Radius, psychiatric residential treatment facility, and the [YRTC] in Kearney, Hastings, or Lancaster."

Driscoll maintained that she had encountered delinquency cases involving deceased victims in which the juvenile court ordered out-of-home placement. In those cases, juveniles had received treatment through Radius or YRTC. She indicated that juveniles charged in murder or manslaughter cases that were transferred to the juvenile court ranged in age from 14 to 16 years old, 16 being the oldest. Driscoll acknowledged that eligibility limitations applied to placement of juveniles charged with certain offenses, including motor vehicle theft and homicide.

As to Pedrosa specifically, Driscoll testified that he had been on juvenile probation for 9 months, which she did not consider a significant period of time based on her experience. She further testified that, if transferred to the juvenile court, Pedrosa would likely be placed outside the home. Driscoll noted that the juvenile court had never committed Pedrosa to YRTC or otherwise placed him outside the home. Nor had the juvenile court determined that rehabilitative efforts had been exhausted or that Pedrosa was not amenable to treatment.

Driscoll also addressed Pedrosa's conduct while detained. She testified that fighting and manufacturing weapons were not unusual among detained youth and did not cause her concern. However, she acknowledged that the items Pedrosa manufactured constituted legitimate weapons.

(d) Pedrosa's Evidence

In addition to Driscoll's testimony, Pedrosa offered five exhibits addressing his cognitive functioning, behavioral health, detention history, and background. Those exhibits included a co-occurring evaluation, detainee status reports, a predisposition investigation, and a psychiatric evaluation.

The cognitive screener reflected that Pedrosa tested within normal limits in the areas of working memory (ability to hold and mentally manipulate information), visuospatial/constructional (ability to process visual information effectively, see spatial relationships), language, visual memory, and executive function (ability to inhibit information, attend to certain information while tuning out distractors, ability to pause rather than act on impulse). The co-occurring evaluation identified struggles with impulsivity, depression, anxiety, anger, drug use, and other noncompliant acts. Pedrosa reported that he had been prescribed medication for his mood disorder and attention-deficit/ hyperactivity disorder (ADHD) but did not take the medication. He also reported using wax/dabs and THC, and occasionally consuming alcohol with friends.

Pedrosa's psychiatric evaluation diagnosed him with major depressive disorder, post-traumatic stress disorder (PTSD), generalized anxiety disorder, ADHD, and cannabis use disorder. According to the evaluation, Pedrosa's familial history was indicative of trauma. As a young child, Pedrosa witnessed repeated domestic violence against his mother by her partners and was physically abused when he attempted to intervene. He was removed from his mother's care at age 7 because of safety concerns. His father died of a heart attack when Pedrosa was 6 years old, and his mother died from cancer when he was 8. Pedrosa remained in foster care from ages 7 to 11, after which his uncle adopted him.

The May 2026 detainee status report reflected that Pedrosa had maintained a level four status for 3 months without behavioral issues. The report described him as "respectful to staff" and stated that he followed direction with "very few prompts."

3. District Court's Order

In June 2026, the district court entered its order denying Pedrosa's motion to transfer to juvenile court. The court found that the State had shown a sound basis to retain Pedrosa's case in district court. The details of the district court's consideration of the transfer factors contained in Neb. Rev. Stat. § 43-276 (Cum. Supp. 2024) will be provided in our analysis below.

Pedrosa appeals.

III. ASSIGNMENT OF ERROR

Pedrosa assigns the district court erred in denying his motion to transfer his case to juvenile court under § 43-276.

IV. STANDARD OF REVIEW

A trial court's denial of a motion to transfer a pending criminal proceeding to the juvenile court is reviewed for an abuse of discretion. *State v. Aldana Cardenas*, 314 Neb. 544, 990 N.W.2d 915 (2023). An abuse of discretion occurs when a trial court's decision is based upon reasons that are untenable or unreasonable or if its action is clearly against justice or conscience, reason, and evidence. *Id.*

V. ANALYSIS

Pedrosa assigns that the district court abused its discretion in denying his motion to transfer his case to juvenile court under § 43-276. We will address his argument after setting forth the applicable legal framework.

1. Legal Framework

Neb. Rev. Stat. § 43-246.01(3) (Reissue 2016) 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, all of the allegations against Pedrosa put him within the second category of juvenile offenders.

When an alleged offense is one over which both the juvenile court and the adult criminal court can exercise jurisdiction, a party can move to transfer the matter. For matters initiated in county or district court, a party can move to transfer it to juvenile court pursuant to Neb. Rev. Stat. § 29-1816(3) (Cum. Supp. 2024).

In the instant case, when Pedrosa 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:

> (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).

As the Nebraska Supreme Court has explained, in conducting a hearing on a motion to transfer a pending criminal case to juvenile court, "[i]t is a balancing test by which public protection and societal security are weighed against the practical and nonproblematical rehabilitation of the juvenile." See *State v. Aldana Cardenas*, 314 Neb. 544, 561, 990 N.W.2d 915, 928 (2023). In order to retain the proceedings, 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. See *id.* The burden of proving a sound basis for retention lies with the State. See *id.*

2. Analysis of District Court's Findings

Pedrosa contends that the district court abused its discretion by misapplying § 43-276. He challenges several of the court's factual findings relative to the statutory factors and argues that the district court improperly considered and applied the factors without analyzing why the evidence supported the conclusion or otherwise disregarded the evidence supporting transfer.

(a) Factors Favoring Retention in District Court

In its order denying Pedrosa's motion to transfer, the district court addressed each of the factors contained in § 43-276(1). The court explicitly identified the following statutory factors supported a sound basis for retention.

(i) Evidence That Alleged Offense Included Violence

The district court found that the charged offenses were "very serious crimes of violence." The court noted that the offenses arose from a physical altercation at a parking lot gathering.

According to surveillance video, the victim became involved in a physical altercation with another individual before Pedrosa allegedly shot the victim in the neck and fled the scene.

The violence of a crime has been found sufficient to support the determination that additional time for rehabilitative treatment and supervision is needed beyond minority. See *State v. Jeremiah T.*, 319 Neb. 133, 21 N.W.3d 313 (2025) (finding violence of alleged crime supported determination that juvenile would need supervision into adulthood even when expert opined there was sufficient time for rehabilitation in juvenile court). See, also, *State v. Lu*, 33 Neb. App. 45, 10 N.W.3d 382 (2024) (finding violence of alleged crime supported determination that juvenile would need supervision into adulthood). Accordingly, we cannot say the district court abused its discretion in determining that this factor provided a sound basis for retention.

(ii) Motivation for Commission of Offense

The district court found that the shooting was not unintentional or accidental and inferred that Pedrosa may have intended to "gravely wound or kill the victim." The court cited *State v. Escamilla*, 291 Neb. 181, 195, 864 N.W.2d 376, 385 (2015), which held that "intent to kill may be inferred from deliberate use of a deadly weapon in a manner reasonably likely to cause death." The court also indicated that this factor is difficult to gauge, especially considering the fact that "a) the two groups of individuals did not previously know each other, and b) Bonner was shot shortly after he encountered [Pedrosa] and his associates."

Pedrosa objects to the court's findings regarding the possible motivations for the offenses and stated that "there was no indication why the district court would have credited one theory over another." Brief for appellant at 9. The district court, however, did not credit one theory over another; rather, it acknowledged that Pedrosa's motivation was "open to different interpretations," and more firmly relied on the holding in *State v. Escamilla, supra*. Therefore, the district court did not abuse its discretion in determining that this factor established a sound basis to retain jurisdiction.

(iii) Age of Juvenile and Ages and Circumstances of Any Other Involved in Offense

The district court found the ages of those involved other than Pedrosa ranged from 15 to 21. The court identified that Pedrosa was the only individual charged by the State with second degree murder and use of a deadly weapon to commit a felony.

Pedrosa argues that the district court provided no analysis as to why this factor supported retention. He contends that because he was one of the youngest individuals involved and sufficient time remained for rehabilitation in juvenile court, this factor "weigh[ed] in favor of transfer to juvenile court." Brief for appellant at 11. Pedrosa's reliance on his status as one of the youngest individuals does not necessarily compel the conclusion that this factor does not support a sound basis for retention.

Section 43-276(1)(d) requires consideration of not only Pedrosa's age, but also the "ages and circumstances of any others involved in the offense." The district court's order shows that the court considered those ages and determined they affected retention. Furthermore, given that the juvenile court would have less than a full 3 years to rehabilitate Pedrosa, under the circumstances

of this case, which include extreme violence, we find no abuse of discretion in the district court's ruling that this factor supported a sound basis for retention.

(iv) Previous History of Juvenile, Including Any Previous Convictions or Prior Juvenile Court Adjudications

The district court found that Pedrosa had previously been adjudicated in juvenile court for theft by unlawful taking, $1,500-$5,000, and placed on probation in September 2024. Over the following months, the juvenile court held multiple dispositional hearings and continued Pedrosa on probation while ordering various treatments and therapeutic services. At dispositional hearings in April and June 2025, the juvenile court considered out-of-home placement and directed probation to apply for shelter and group home placements. The district court emphasized that Pedrosa remained on juvenile probation when the present offenses occurred.

Pedrosa alternatively argues that he was on probation for nine months during which he was compliant and was never referred to an out-of-home placement. However, the record supports the findings of the district court. Given the evidence presented, it was not an abuse of discretion to find that this factor supported retaining jurisdiction.

(v) Consideration of Public Safety

The district court generally discussed the "concept of deterrence and the need to balance individual justice with the needs of society." The court stated that "[a]s a result of such balancing, some youths will be held accountable through proceedings in the adult criminal justice system for effective deterrence of future antisocial misconduct." As such, the court found that retaining jurisdiction in the district court promoted both specific and general deterrence from future offenses.

In contrast, Pedrosa argues that rehabilitation through juvenile court could adequately deter future criminal conduct while protecting public safety. He emphasized that both Crall and Driscoll testified that they were both aware of cases involving similar charges that had been transferred from district court to the juvenile court. Driscoll testified that juveniles in delinquency cases involving a "deceased victim" had been placed at YRTC and Radius. See brief for appellant at 14.

This court would distinguish cases involving a deceased victim from an intentional homicide committed with a firearm. Cases involving a deceased victim may encompass offenses such as manslaughter or motor vehicle homicide, where the resulting death was not intentional. Here, by contrast, Pedrosa was charged with intentionally killing the victim with a firearm. While Driscoll's testimony does not preclude transfer to juvenile court, it is significant that, in her experience, juveniles whose firearm-related homicide cases had been transferred ranged in age from 14 to 16 years old, placing Pedrosa at the upper end of the age range historically transferred.

Based upon the allegations associated with the current crime and the record of Pedrosa's behavior while detained at DCYC, including fighting and manufacturing weapons, we cannot conclude that this decision is based upon reasons that are untenable or unreasonable.

(vi) Juvenile's Ability to Appreciate Nature and Seriousness of Conduct

The district court indicated that Pedrosa understood the difference between right and wrong and was seemingly mentally competent at the time of the offenses.

The evidence at the hearing supports this conclusion. Crall described Pedrosa's maturity level as average for a youth of his age. The Cognitive Screener results indicated that Pedrosa tested within normal limits, and the co-occurring evaluation identified struggles with impulsivity, depression, anxiety, anger, drug use, and other noncompliant acts. While Pedrosa's behavior may have reflected some of the impulsivity and immaturity of a 15-year-old, those characteristics do not diminish the seriousness of his conduct. Many juveniles of comparable age experience similar difficulties with impulse control, judgment, and susceptibility to peer influence without resorting to the use of a firearm. Because this factor provided a sound basis for retention, the district court's finding was not an abuse of discretion.

(vii) Continuation of Supervision Beyond Juvenile's Minority

The district court found that supervision should continue past Pedrosa's minority. The court noted that Pedrosa was charged with two serious felony offenses and committed them while under the juvenile court's supervision. The court further noted that the juvenile court would lose jurisdiction when Pedrosa turned 19, regardless of his progress.

The district court determined that additional time may be needed due to the seriousness of the crime as well as the circumstances. The district court, as the trier of fact, may rely on logic as well as its own experience and common sense to draw the inference that Pedrosa would need additional time for treatment past adulthood. See *State v. Clausen*, 318 Neb. 375, 15 N.W.3d 858 (2025) (trier of fact may rely on logic, experiences, and common sense to draw inferences based on circumstantial evidence). Therefore, the court's determination is not clearly untenable.

(viii) Whether Juvenile is Criminal Street Gang Member

The district court noted that Pedrosa advised law enforcement that he became involved in a street gang when he was 12 years old. Further evidence established that Pedrosa claimed to be a part of a gang called MBC and continued to claim gang affiliations while detained at DCYC. Crall explained that gang members are higher risk compared to other non-gang offenders. Therefore, the district court did not abuse its discretion in determining that this factor provided a sound basis for retention.

(ix) Restorative Justice, Diversion, and Prior Unauthorized Use or Possession of Firearm

Furthermore, the district court found that mediation and/or restorative justice was unavailable because the victim was deceased. The court further determined that diversion was inappropriate considering that Pedrosa allegedly committed the present felony offenses while already under the jurisdiction and supervision of the juvenile court. The court additionally held that Pedrosa was not previously convicted of unauthorized use or possession of a firearm, but that Pedrosa conceded unauthorized use or possession of a firearm related to the current charges. The district court concluded that each of these factors weighed in favor of retaining jurisdiction in the district court.

Given the victim's death, Pedrosa's juvenile history, and the circumstances of the present offense, it was not an abuse of discretion for the district court to consider these factors as supporting a sound basis to retain jurisdiction.

(b) Factors That Do Not Support Sound Basis for Retention

The district court identified that the following factors did not support a sound basis for retention.

(i) Type of Treatment to Which Juvenile Would Most Likely Be Amenable

The district court emphasized that Pedrosa, now 16, had been under the juvenile court's supervision since September 2024. The court discussed the rehabilitative services Pedrosa received while under the juvenile court's supervision, including probation, therapy, medication management, family services, evaluations, and substance abuse testing. The court noted that, despite those services, Pedrosa committed the current charged offenses while under the juvenile court's jurisdiction.

The district court also identified portions of Pedrosa's mental health evaluations and diagnoses indicating that Pedrosa presented with major depressive disorder, PTSD, generalized anxiety disorder, ADHD, and cannabis use disorder. The court referenced Driscoll's testimony that Pedrosa had not received the full range of juvenile services because he remained in the family home.

Additionally, the district court found that the juvenile court had not previously determined that Pedrosa was not amenable to rehabilitative services available under the Nebraska Juvenile Code. See Neb. Rev. Stat. § 43-2,106.03 (Reissue 2016).

(ii) Best Interests of Juvenile

The district court also found that Pedrosa's best interests may best be served by being transferred to the juvenile court as "opposed to being (1) a convicted felon, and (2) exposed to the possibility of serving lengthy, consecutive sentences of imprisonment should he be convicted of the charged offenses."

(c) No Abuse of Discretion

We find no abuse of discretion in the district court's analysis of the statutory factors argued by Pedrosa. In its order, the court clearly attributed specific evidence to the relevant statutory factors and considered its impact on the decision to retain jurisdiction in the district court. More specifically, the court considered the violence in the alleged offenses, Pedrosa's history in the juvenile court, and public safety concerns. There is no arithmetical computation or formula required in a court's consideration of the statutory criteria or factors. See *State v. Esai P.*, 28 Neb. App. 226, 942 N.W.2d 416 (2020). There are no weighted factors and no prescribed method by which more or less weight is assigned to a specific factor. See *id*. It is a balancing test by which public protection and societal security are weighed against the practical and nonproblematical rehabilitation of the juvenile. See *State v. Aldana Cardenas*, 314 Neb. 544, 990 N.W.2d 915 (2023).

Considering the entire record before us, we cannot say the district court abused its discretion in denying Pedrosa's motion to transfer his criminal proceedings to the juvenile court. Although there was evidence presented that Pedrosa may be amenable to treatment and services offered through the juvenile court, the ultimate test lies in weighing the security of the public

against the "practical and nonproblematical rehabilitation" of Pedrosa. See *State v. Aldana Cardenas, supra*. Here, the evidence established that Pedrosa was on probation at the time the alleged incident occurred, continued to identify as a gang member, and exhibited criminal behavior while detained in DCYC despite juvenile resources. The evidence presents issues with Pedrosa's rehabilitation and casts doubt on Pedrosa's ability to be rehabilitated in the amount of time that he would be subject to the juvenile court's jurisdiction.

As the Nebraska Supreme Court has recently emphasized, abuse of discretion is a highly deferential standard of review. See *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 we think the case should be transferred. See *id*. An appellate court's review is limited to determining whether the trial court's reasons and rulings are clearly untenable. See *id*. To be "untenable" is to be "incapable of being defended." *Id*. at 152, 21 N.W.3d at 327. In this case, we cannot say the district court abused its discretion in determining the evidence supported a sound basis to retain jurisdiction.

VI. CONCLUSION

We find no abuse of discretion in the district court's order denying Pedrosa's motion to transfer jurisdiction to the juvenile court.

AFFIRMED.