

**IN THE COURT OF APPEALS  
FRANKLIN COUNTY, OHIO  
TENTH APPELLATE DISTRICT**

<b>STATE OF OHIO,</b>	<b>:</b>	
<b>Appellee,</b>	<b>:</b>	<b>Case No. 18AP125</b>
<b>-vs-</b>	<b>:</b>	<b>Regular Calendar</b>
<b>JOHN STALEY III,</b>	<b>:</b>	
<b>Appellant.</b>	<b>:</b>	

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**BRIEF OF APPELLANT**

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## **ASSIGNMENT OF ERROR PRESENTED FOR REVIEW**

THE JUVENILE COURT ABUSED ITS DISCRETION BY DISREGARDING UNREFUTED EVIDENCE, ENGAGING IN AN ARBITRARY ANALYSIS OF THE FACTS AND LAW, AND GRANTING THE STATE'S MOTION TO TRANSFER APPELLANT'S CASE TO ADULT COURT, IN VIOLATION OF R.C. 2152.12(B) AND DUE PROCESS OF LAW UNDER THE FOURTEENTH AMENDMENT TO THE UNITED STATES CONSTITUTION AND ARTICLE I, SECTION 10 OF THE OHIO CONSTITUTION.

(Decision Tr. at 14; *Findings of Fact and Conclusions of Law*, R. 137).

## **ISSUES PRESENTED FOR REVIEW**

### **Issue 1:**

Whether a juvenile court's decision to transfer a case to adult court amounts to an abuse of discretion where it misstates and misapplies facts and law; applies facts inconsistently against the juvenile; and disregards overwhelming contrary evidence.

(Decision Tr. at 14; *Findings of Fact and Conclusions of Law*, R. 137).

### **Issue 2:**

Whether a juvenile court's decision to transfer a case to adult court violates Due Process of Law where, on its face, it lacks a rational basis, misapplies law and facts; and disregards overwhelming contrary evidence.

(Decision Tr. at 14; *Findings of Fact and Conclusions of Law*, R. 137).

## STATEMENT OF CASE

On October 7, 2016, Hilliard Police officers charged Jack (John) Staley (16 years old) with one count of Conspiracy to Commit Murder in violation of R.C. 2903.01. They arrested Jack and transported him to the Franklin County Juvenile Detention Center (JDC), where he appeared for his initial appearance on October 12, 2016. He entered a denial of the charge, and the Juvenile Court held him in custody without bond.

The Franklin County Prosecutor filed a *Motion to Relinquish Jurisdiction* (pursuant to R.C. 2152.12) seeking to try Jack as an adult in the Franklin County Court of Common Pleas. The Court convened for a probable cause hearing on April 17, 2017. In lieu of an evidentiary hearing, Jack tendered a stipulation that there was probable cause for the alleged offense. The Court accepted Jack's stipulation and entered a finding of probable cause. The Court then released Jack from the JDC (over the State's objection), placing him on house arrest with electronic monitoring. On the date of his release, Jack had served 192 days in the JDC.

In preparation for the amenability hearing, the Court requested the Probation Department to complete a *Bindover Investigation* and submit a report with a recommendation. The Court also ordered Netcare Access to complete a psychological evaluation under R.C. 2152.12.

The Juvenile Court conducted an amenability hearing on August 30, 2017. On September 6, 2017, the Court sustained the State's *Motion to Relinquish Jurisdiction*, placed Jack in custody (revoking his prior release), set a \$250,000.00 bond, and transferred the matter to adult court. (Decision Tr. at 14; *Findings of Fact and Conclusions of Law*, R. 137).

On September 28, 2017, the Franklin County Grand Jury returned an Indictment charging Jack with Conspiracy to Commit Murder (R.C. 2923.01). Jack entered a plea of not guilty, and the matter proceeded in the adult division of the Franklin County Court of Common Pleas.

On January 9, 2018, Jack appeared in court, withdrew his previous plea of not guilty, and entered a plea of no contest to the sole charge of Conspiracy to Commit Murder as set forth in the Indictment. The Court ordered a Pre-Sentence Investigation and convened for sentencing on

February 8, 2018. On that date, the Court sentenced Jack to serve four years in adult prison.

Jack filed a timely Notice of Appeal challenging the Juvenile Court's decision granting the State's *Motion to Relinquish Jurisdiction*.

### **STATEMENT OF FACTS**

Jack Staley was 16 years old at the time of his arrest. The complaint filed in the Franklin County Juvenile Court alleges that he conspired with “unnamed co-conspirators” to plan a school shooting at the Hilliard Davidson High School. The Complaint did not name any of the co-conspirators or specify whether there were any specific targets of the alleged conspiracy. (R. 2).

#### **Alleged Plot**

The evidentiary facts of the case were never presented through testimony in the courts below. In Juvenile Court, Jack stipulated that there was probable cause to proceed under R.C. 2152.12, and the State presented no testimony about the allegations or the factual background of the case. At the subsequent amenability hearing, the State did not call any

witnesses (civilian, police, or expert) to establish the factual basis of the offense.

The parties stipulated to the admissibility of certain evidence, but none of it provided a full rendition of the facts. For purposes of its decision on the amenability hearing, the Juvenile Court seemed to rely on the prosecutor's non-evidentiary recitation of the facts and the facts set forth in the *Bindover Investigation* prepared by Adam M. Farley, Pre-Trial Services Investigator. This *Bindover Investigation* summarized the various police reports provided by the State and generally provided a factual background. (R. 160; Court's Exhibit—Bindover Packet, p. 2). But the State did not present evidence to established exactly what occurred, who was involved, or any other specific details through open court testimony that was subject to cross-examination (or other challenge).

The *Bindover Investigation*, completed by Adam M. Farley, contained the following summary of facts:

According to the Hilliard Division of Police Report written by Detective Robert Seum #640, on September 21, 2016, Officer Richard Quigley

received information from a student about a possible threat made against Hilliard Davidson High School. Witnesses stated that John Staley, a Hilliard Davidson 10<sup>th</sup> grade student, had plans written on paper of a school shooting. Staley was discussing the plans with other male students while in the back of the school bus.

The investigation revealed that Staley had written down plans and discussed the plans with other students on the bus. Staley stated that it was a "joke" and that he had torn up the plans on Tuesday September 20, 2016 after school and put the plans in the trash. The plans were recovered by a Hilliard detective. The plans show a gymnasium, cafeteria, library or another large room. People are drawn on the plans and what weapon type and how much ammunition would be needed is written down. At the bottom of the page "Last week of school assembly," "NBK," and "Dylan/Eric" is written. The rear of the paper appears to have a drawn swastika.

Staley and his stepfather, Scott Dunn, gave consent for a search of Staley's iPhone....Consent was revoked and a search warrant was obtained for the phone.

The investigation showed that Staley committed substantial overt acts in furtherance of his school shooting plan. Staley drew a map of what he told witnesses was the Davidson School PAC (auditorium). Staley planned for supplies and how much the supplies would cost. Staley provided that

map of the plan to John Doe 1 and John Doe 2 and solicited John Doe 1 and John Doe 2 to participate in the plan to commit murder in furtherance of the conspiracy.

A warrant was applied for and granted by the Duty Judge at Franklin County Juvenile Court. Staley was arrested on the warrant and slated at HID (Hilliard Police Department), then transported to CDR.

(R. 160; Court’s Exhibit--Bindover Packet, p. 2).

Even taking the stipulated information and the *Bindover Investigation* as true, there was no evidence presented to establish several important details. The State did not establish the identity of any specific alleged “targets” or “victims” of the conspiracy. No evidence established that any person (target or otherwise) suffered any physical or psychological harm. As Mr. Farley noted, “based upon the police reports, there are no victims to have suffered physical or psychological harm as a result of the alleged offense.” (R. 160; Court’s Exhibit—Bindover Packet, p. 17). Finally, the State did not offer any evidence about the alleged co-conspirators—who they were, what they did, saw, knew, felt, etc.

Other important facts were undisputed. Neither Jack nor any other alleged co-conspirator followed through with any violent act, and Jack was not accused in any way of causing physical harm to anyone. There was no evidence that any attack was imminent or that there was an actual future date set for the attack. It was only a conspiracy to *plan* a murder, and there was no act to carry out the plan (or even begin to carry it out). No one involved (including Jack) owned, possessed, or had *access* to a firearm. Even assuming Jack and/or the others would have carried out the plan, the alleged plot was discovered *before* any violent act ever occurred. Jack was not accused of anything beyond that.

### **Jack's Custody & Release from the JDC**

Hilliard police arrested Jack on October 7, 2016, and he appeared on October 12, 2016, for his initial appearance. He entered a denial, and the presiding magistrate ordered that he be held in the JDC. (R. 28). Jack then spent 192 days in custody until he was released on April 17, 2017, following the probable cause hearing. The JDC records (which were later admitted during the amenability hearing) establish that Jack had no

meaningful infractions, no issues, and no disciplinary action while at the JDC. Upon his admittance, his demeanor was “cooperative.” (R. 160, Exhibit 3—JDC Records, G11). He was a model inmate throughout his stay at the JDC.

After Jack stipulated probable cause in open court, the Court addressed his custodial status and ordered his release over “vehement” objection by the prosecutor:

And the Court will set this matter for amenability hearing in 30 to 45 days; order that Mr. Staley be released into the custody of his mother, that he be placed on electronic monitoring, GPS; that he be enrolled in ECOT; that he have no contact with the co-conspirator...We’re gonna (sic) continue—that he have no access to a smart phone; that he continue his treatment with Dr. Dagenfeld (phonetic). He will be able to go to Dr. Dagenfeld’s (phonetic) office, his attorney’s office and probation if required by Ms. Bass.

(Probable Cause Tr. at 13-15; *Judgment Entry to hold or Release Juvenile*, R. 105; *Judgment Entry*, R. 101).

Following his release on April 17, 2017, Jack resided with his mother. Two employees of the Court--Nicole Bass-Stith and Lois

Thorpe—were responsible for Jack’s supervision. Both testified at the amenability hearing about their experiences with Jack and his family. They both agreed that they had no issues dealing with Jack and/or his family, and that there were no complaints from anyone about Jack’s behavior. Neither received any reports from anyone in the community about safety concerns. They verified that Jack complied with all terms of his monitoring, including his therapy with Scott Dagenfield. They also confirmed that Jack’s parents seemed ready and willing to provide support and work with the Court in any way possible. (Amability Tr. 92-99; 103-108).

Ms. Bass-Stith explained that she was in court the day Jack was released (April 17, 2017). Based on “all the facts” she heard in court, she “was skeptical that he was being released.” (Amability Tr. 93). But she was pleasantly surprised. She never felt threatened or concerned in any way about Jack’s behavior. (Amability Tr. 92-101). She confirmed that Jack was enrolled with ECOT (on-line education) and was excelling with A’s and B’s. In sum, she had no concern whatsoever about Jack’s

behavior while released or her ability to monitor him. (Amenability Tr. 92-101).

During his investigation, Mr. Farley communicated with Ms. Stith about her interaction with Jack. According to Farley, Ms. Bass-Stith characterized Jack as “creepy” when she checked his computer history. (R. 160; Court’s Exhibit--Bindover Packet, p. 3). The judge had apparent concerns about this comment, and she specifically asked Ms. Bass-Stith about it during the amenability hearing. Ms. Bass-Stith denied that she characterized Jack as “creepy.” (Amenability Tr. 92-101). She explained that she spoke to Mr. Farley only at the beginning of her supervision. Even then, her only concern was that the family seemed very accommodating, perhaps *over accommodating*. She later concluded that Jack and his family were just sincere in their effort to cooperate. *Id.* Finally, the judge asked if she ever felt threatened “for your safety or whatever when going to visit the family.” Ms. Bass-Stith’s response was simple and direct: “No. Never.” (Amenability Tr. 101-102).

## **Expert Psychologists**

Two professional and experienced psychologists opined that Jack was amenable to rehabilitation in the juvenile justice system. Both conducted independent psychological evaluations and concluded that the factors (and all other circumstances) favored juvenile court rehabilitation.

*Daniel Davis, Ph.D.*

Dr. Daniel Davis was the flagship psychologist in the case. His credentials were (and are) impeccable. He is one of 350 board certified psychologists in the country. His expertise in the field of juvenile justice is well-recognized by courts, peers, and government entities. He has authored and co-authored three books and numerous professional journal articles on juvenile issues. He has consulted with the Ohio Department of Youth Services; he served as a Clinical Director at the Buckeye Boys Ranch (juvenile facility); and he was formerly the supervising psychologist for the Moritz Forensic Unit. (Amenability Tr. at 9).

Over the past 35 years, Dr. Davis has been qualified as an expert by numerous juvenile courts to opine on amenability issues. (Transfer Tr. at

13). He has testified on behalf of the defense, on behalf of the prosecutor, and even on behalf of the court. In addition to his private practice, he provides forensic services in juvenile transfer proceedings working with Netcare on behalf of the court. In past cases, he has opined both in favor of and against amenability. (Amenability Tr. at 9-11).

Early in the case, Jack's family retained Dr. Davis to conduct an assessment and perhaps provide treatment recommendations. (Amenability Tr. 8, 12-13; R. 160). He performed a complete psychological evaluation of Jack, prepared a comprehensive report, and testified at the amenability hearing. (Amenability Tr. 8-91; R. 160, Exhibit 1—Davis Report). Dr. Davis considered all aspects of the case, including Jack's background, the results of his psychological testing, and all other relevant criteria. Based on his experience with juveniles, the legal system, and the relevant psychological studies, Dr. Davis concluded that Jack was amenable to care and rehabilitation in the juvenile system. (Amenability Tr. at 39).

Dr. Davis also documented several diagnostic impressions. According to his testing, Jack had several psychological disorders: Unspecified Depressive Disorder, Social Anxiety Disorder, and Disruptive Behavior Disorder Not Otherwise Specified. He also recommended further testing to rule out “Autism Spectrum Disorder.” *Id.*

Finally, Dr. Davis cautioned about the potential impact the adult system would have on Jack. To the extent it can be determined, Dr. Davis’ testing concluded that Jack was not a “psychopath.” But he went a step further and concluded that the opposite is true--Jack was impressionable and not yet developed psychologically. (Amenability Tr. 80-81)

Since his identity and self-image is still developing, he is as likely amenable to positive role models as he is to negative role models. As such, placement in the adult system would most certainly expose him to very negative influences and role models in a critical period in his development.

(R. 160, Exhibit 1—Davis Report, p. 23).

Dr. Davis thus opined that the adult prison environment would expose Jack to negative influences that would push his development in

the wrong direction. The fact that Jack was attracted to racial hate groups and the like screamed for psychological treatment, not adult prison. (Amenability Tr. 81-83).

In sum, Dr. Davis determined that Jack was amenable to juvenile rehabilitation. There was plenty of time (five years) to rehabilitate Jack in the juvenile system, and “not all treatment options available for this youth within the juvenile justice system have been exhausted.” He thus opined that “the psychological factors for amenability outweigh those against amenability.” (R. 160, Exhibit 1—Davis Report, p. 25).

*Jayne Speicher-Bocija, Ph.D.*

The Court retained its own expert through Netcare Access. In that capacity, Dr. Speicher-Bocija performed a second psychological evaluation. She reached the same conclusions as Dr. Davis.

Though not called as a witness at the amenability hearing, the Court admitted Dr. Speicher-Bocija’s report and opinion without objection. (Amenability Tr. 109; R. 160, Exhibit 2—Netcare Report).

Her report lists the following factors favoring amenability:

1. Jack has not previously been adjudicated a delinquent child. Thus not all treatment options available within the juvenile justice system have been exhausted.
2. While Jack received individual counseling since sustaining his charges, no previous court ordered interventions *were* attempted on Jack and he has never been sentenced to placement within the Department of Youth Services. Thus, there are no indications that rehabilitation of Jack would not occur in the juvenile system.
3. Jack exhibits some criminologic [sic] attitudes and endorsed cognitive distortions that can be targeted through cognitive behavioral treatment.
4. Jack does not currently exhibit or endorse any symptom of a serious mental illness. However, he has qualified for mental health diagnoses that could be a focus of treatment. Further, additional assessment for autism spectrum disorder was recommended. A focus on social-cognitive information-processing deficits and their amelioration if present could be an additional focus of treatment.
5. Jack has the necessary cognitive and verbal skills to participate in treatment and per his counselor has been compliant so far.

6. Jack reveals the ability to form attachments and relationships with adult authority figures which is a positive indicator in benefiting from treatment and rehabilitation.
7. Jack's identity and self-image are still developing. As such he is equally likely to be influenced by positive role models as negative role models. Hoge indicates that staff displaying pro-social values is integral to rehabilitative success. Therefore, placement in the adult system would most certainly expose him to negative influences and inappropriate role models during a crucial period of development. This may be particularly of concern in Jack's case where police reports indicate that he has accessed images and shown a fascination for harmful ideologies that have a higher likelihood of being reinforced in the adult system. Further, Hoge notes that research evidence is strongly weighted in the direction indicating purely punitive sanctions are generally ineffective in reducing future criminal activities in juveniles. Thus, the juvenile system offers greater likelihood of Jack attaining successful rehabilitation.
8. Records from FCJDC indicate Jack never struck or fought with *staff* and no records indicate he was an aggressor with other juveniles, revealing a capacity to restrain his behavior, the capacity to guide and direct one's behavior can be a positive indicator for learning additional problem-solving skills.

9. Jack expressed a willingness to continue to participate in treatment.
10. There appears to be sufficient time to rehabilitate the [sic] Jack within the juvenile system.

(R. 160, Exhibit 2—Netcare Report, p. 11).

Dr. Speicher-Bocija thus concluded that “Jack is amendable to care or rehabilitation within the juvenile justice system.” She determined that the “risk factors related to violence and reoffending are currently outweighed by the protective factors and amenability to treatment.” Therefore, “the safety of the community does not require adult sanctions.” Finally, she agreed with Dr. Davis’ diagnostic impressions of Jack’s various mental health disorders and his thoughts on the impact of the adult prison system upon Jack and his risk assessment. (R. 160, Exhibit 2—Netcare Report).

### **Jack’s Treatment & Therapy**

The *Bindover Investigation* outlined Jack’s prior (and ongoing) treatment history. Though Jack had never engaged in any therapy before

this incident, he sought treatment from two separate providers afterward. (R. 160; Court’s Exhibit—Bindover Packet, p. 11-12).

*Nationwide Children’s Hospital Crisis Unit—September 26, 2016*

Jack was expelled from school on September 21, 2016--approximately 16 full days prior to Jack’s arrest on October 7, 2016. Following his expulsion (before his arrest) his mother took him to the Nationwide Children’s Hospital Crisis Unit for help. They diagnosed “Disruptive Behavior Disorder NOS with a recommendation that an autism spectrum disorder be ruled out...” They discharged him with recommendations for follow up mental health services. (R. 160; Court’s Exhibit—Bindover Packet, p. 11).

*Scott Dagenfield, LPCC-S, CCDCIII—November 10, 2016*

Jack began therapy and treatment with Scott Dagenfield on November 10, 2016. This treatment continued throughout the entire case (both while Jack was in the JDC and when he was released after the probable cause hearing). Dagenfield offered positive impressions of Jack and his ongoing therapy. And “when asked what he feels is Jack’s threat

level, Mr. Dagenfield stated, ‘none.’” (R. 160; Court’s Exhibit—Bindover Packet, p. 12).

### **State’s Strategy at Amenability Hearing**

The State offered no expert reports or testimony to refute the conclusions of Dr. Davis and Dr. Speicher-Bocija. It did not call any factual witnesses to establish the basic facts surrounding the allegations. Instead, the State sought to show that Jack was a racist and thus could not be helped in the juvenile system. It relied primarily on Jack’s internet history, messages, and pictorial images from Jack’s phone, all of which contained racially offensive content. (R. 160; State’s Exhibits A-F, H).

Dr. Davis did not agree that racial motives rendered Jack un-amenable for treatment in juvenile court. But the State persisted: “Didn’t we just go through a number of exhibits that tell you exactly the kind of person the defendant is?” (Amenability Tr. at 66-67).

The premise of the State's position rang through in its closing remarks:

“It was his *racist ideology* and his Neo-Nazi ideology and his seeming obsession with those things and violence that drove this....” (Amenability Tr. 116) (emphasis added).

“Ultimately, Your Honor, the safety of the community demands this be sent to adult court. He cannot be *punished* adequately here.” (Amenability Tr. 117) (emphasis added).

“The juvenile system isn't gonna teach him not be a Neo-Nazi, is not gonna teach him not to be *a racist*. It's not gonna teach him not to seek out guns and not to be violent.” (Amenability Tr. 117) (emphasis added).

“He idolized Adolph Hitler.” (Amenability Tr. 122) (emphasis added).

“This—the community safety, the safety of the community demands that he be *punished in adult court*.” (Amenability Tr. 122) (emphasis added).

“There is just no way that that---that the community, the safety of the community does not demand that he be *punished in adult court*.” (Amenability Tr. 123) (emphasis added).

The State’s strategy was to portray Jack as a racist. Because of that, the State argued, he was a danger to the community. And because of *that*, he should be “*punished*” in adult court. But the State offered no psychological testimony to establish that racism and racial motives rendered Jack a societal threat and thus not amenable.

Despite this strategy, all the psychological evidence supported the contrary conclusion—Jack was young, impressionable, and he should be treated in juvenile court before he developed his full personality. The adult system would only make matters worse. It would solidify the negative thought patterns, *causing* the risk to society, not preventing it. As Dr. Speicher-Bocija was clear on this point: “Jack's identity and self-image are still developing. As such he is equally likely to be influenced by positive role models as negative role models.” (R. 160, Exhibit 2—Netcare Report).

### **Juvenile Court’s Decision**

The Court adjourned after the Amenability Hearing to contemplate its decision. It reconvened on September 6, 2017, to read its decision

aloud in open court. All parties were present, along with members of the media. (Decision Tr. 2; Media Request, R. 136). The Court sustained the State's *Motion to Relinquish Jurisdiction*, placed Jack in custody (revoking his prior release), set a \$250,000.00 bond, and transferred the matter to adult court. (Decision Tr. 14). The Court later filed a written *Findings of Fact and Conclusions of Law*, memorializing the same reasoning and verbiage set forth in the open court decision. (R. 137).

The Court's decision addressed every factor set forth in R.C. 2152.12(D) and (E). But the Court's reasoning was convoluted, unclear, and often irrational. It employed inconsistent reasoning, relied on factually incorrect (or non-existent) information, and mischaracterized the evidence. The Court expressly disregarded the undisputed expert testimony and evidence and transferred the case to adult court. (Decision Tr. 10; *Findings of Fact and Conclusions of Law*, R. 137 p.5).

## ASSIGNMENT OF ERROR

**THE JUVENILE COURT ABUSED ITS DISCRETION BY DISREGARDING UNREFUTED EVIDENCE, ENGAGING IN AN ARBITRARY ANALYSIS OF THE FACTS AND LAW, AND GRANTING THE STATE'S MOTION TO TRANSFER APPELLANT'S CASE TO ADULT COURT, IN VIOLATION OF R.C. 2152.12(B) AND DUE PROCESS OF LAW UNDER THE FOURTEENTH AMENDMENT TO THE UNITED STATES CONSTITUTION AND ARTICLE I, SECTION 10 OF THE OHIO CONSTITUTION.**

### **I. Introduction**

The question in this case was fundamentally simple—whether Jack Staley was amenable to care and rehabilitation in the juvenile justice system. The answer was equally simple. There was overwhelming and unrefuted evidence that he was. In fact, the evidence went even further than that. The experts all agreed that the adult system would cause the very harm and risk to society that everyone wanted to prevent.

But the problem here is not simply that the Court below reached the wrong decision. The problem is the *way* the Court sought to justify the decision and the reasoning behind it. The decision reflects an arbitrary,

unreasonable, and prejudicial mis-application of the law and facts. It demonstrates an intentional effort to justify a decision that was contrary to the evidence. And it reflects an abuse of discretion that violated Jack's right to due process of law under the federal and state constitutions.

## **II. Law & Standard of Review**

### **A. Discretionary Transfer of Juvenile Cases to Adult Court-- R.C. 2152.12**

This was a discretionary transfer under R.C. 2152(B). In discretionary cases, the juvenile court must determine if the child is amenable to rehabilitation in the juvenile system, while ensuring the safety of the community. R.C. 2152.12(B)(3).

This first requires the court to “order an investigation into the child's social history, education, family situation, and any other factor bearing on whether the child is amenable to juvenile rehabilitation, including a mental examination of the child by a public or private agency or a person qualified to make the examination.” R.C. 2152.12(C).

The code sets forth two lists of “relevant factors”—one that favors transfer and one against transfer. R.C. 2152.12(D) and (E) (These factors are enumerated below as part of the analysis of the Juvenile Court’s decision in Jack’s case). The court must balance these factors (along with “any other relevant factors”) and determine to keep or transfer the case. R.C. 2152.12(B)(3). “[T]he record shall indicate the specific factors that were applicable and that the court weighed.” R.C. 2152.12(B)(3). The law does not require the court to address all the factors individually. But the “totality of the evidence” must support the court’s decision. *State v. Douglas*, 20 Ohio St.3d 36 (1985).

### **B. Standard of Review--Abuse of Discretion**

The juvenile court’s decision to transfer is subject to an abuse of discretion standard. An abuse of discretion occurs when a court’s decision is “unreasonable, arbitrary, or unconscionable.” *Blakemore v. Blakemore*, 5 Ohio St.3d 217, 219 (1983). Appellate courts (this Court included) routinely defer to the juvenile court judge in reviewing such matters. A “juvenile court enjoys wide latitude to retain or relinquish jurisdiction.”

*State v. Watson*, 47 Ohio St.3d 93 (1989). “If there is some rational and factual basis to support the trial court’s decision, we are duty bound to affirm it regardless of our personal views of the evidence.” *State v. West*, 167 Ohio App.3d 598 (2005).

Countless decisions reflect the deference allotted to juvenile courts. Reviewing courts have applied a liberal standard when the juvenile decision below fails to address all the relevant factors. *Douglas* at 36; *see also State v. Erwin*, Franklin App. No 09AP-918, 2012-Ohio-776 (Feb 28, 2012). Courts have held that juvenile judges may disagree with experts on the issues of amenability. *State v. Morgan*, Franklin App. No. 13AP-620, 2014-Ohio-5661 ¶15 (Dec. 23, 2014). And finally, even though not an enumerated factor, lower courts may consider the “severity of the offenses” in lieu of following expert opinions. *Id.*

But “abuse of discretion” is still a standard. No court has yet eliminated it, and juvenile courts do not have unfettered discretion. All courts agree that a juvenile court’s decision may not be “unreasonable, unconscionable, or arbitrary.” *Blakemore* at 219. There must be a “sound

reasoning process.” *State v. Morris*, 132 Ohio St.3d 337 (2011) (quoting *AAAA Ents., Inc. v. River Place Community Urban Redevelopment Corp.*, 50 Ohio St.3d 157, 161 (1990)). There still must be at least some reasonable and rational basis for the decision. *State v. Marshall*, Hamilton App. No. C-150383, 2016-Ohio-3184 ¶15 (May 27, 2016). And as this Court recognized, “no court has discretion to commit errors of law.” *State v. Reeder*, Franklin App. Nos. 15AP-203; 15AP-218, 2016-Ohio-212 ¶17 (January 21, 2016).

### **III. Juvenile Court’s Decision is Unreasonable and Arbitrary**

The decision of the Juvenile Court in Jack’s case is unlike any of the decisions in the cases referenced above. Those decisions involved various challenges about whether a court could disregard an expert, whether a court could rely on the severity of the offenses, or whether a court’s decision must include an analysis of *all* the factors (rather than only a few). In those situations, the appellate courts were bound by the abuse of discretion standard to defer to the juvenile court. The courts of appeals noted that the decisions below (while perhaps disagreeable), at least relied

on a rational basis and accurate facts. The lower courts in those cases did not misstate facts or rely on facts that did not exist. They did not apply the same facts in contrary ways—one way when it favored transfer and another when it did not. The decisions in those cases did not *on their face* reflect an arbitrary and unreasonable application of the law and facts. They thus enjoyed deference under the abuse of discretion standard.

The same cannot be said for the decision in Jack’s case. In an apparent effort to justify its decision, the court engaged in a seemingly careful analysis of each relevant factor. And to the extent it addressed all the factors, the decision appeared to be thorough and complete. But a closer analysis reveals the Court’s arbitrary application of the facts, law, and evidence.

**A. Review of Juvenile Court Decision—Factors Favoring Transfer RC. 2152.12(D)(1)-(9)**

The Court first reviewed the factors favoring transfer. Even when these factors were not applicable, the Court stretched the facts and law to

make findings to support its inclination to transfer the case. The following summary highlights the arbitrary nature of the Court's findings.

**1. R.C. 2152.12(D)(1). The victim of the act charged suffered physical or psychological harm, or serious economic harm, as a result of the alleged act.**

The Juvenile Court concluded that this factor favored transfer: "The victims in this case may not have suffered physical harm but they indeed suffered psychological harm. They were placed in fear of harm and imminent danger in a terrorism attack." (Decision Tr. 3; *Findings of Fact and Conclusions of Law* R. 137, p.2).

The Court's conclusion was contrary to all the evidence. Citing the police reports, the *Bindover Investigation* concluded that there were no victims to the act alleged. There could not then be any psychological or physical harm. Both experts agreed with Mr. Farley. And the State offered no other evidence to identify any alleged victims or any harm (psychological, physical, or otherwise) caused by the act charged.

The Court nonetheless found that there were victims who were placed in “imminent fear.” (Decision Tr. 3; *Findings of Fact and Conclusions of Law* R. 137, p. 2). To the contrary, the facts revealed that there was no firm date for the alleged plan of attack, that there were no identifiable victims, and that the alleged plotting went on for well over a year without any execution. In other words, nothing was *imminent*. And aside from alleged co-conspirators, no one knew about the alleged plot until *after* the authorities removed Jack from school and ultimately arrested him.

The Court applied this factor not to the “alleged act” (as required), but to its own interpretation of what the act *would have been* in the event of an actual “terrorism attack.” The Court not only found facts contrary to all the evidence, it misapplied the legal standard.

**2. R.C. 2152.12(D)(2). The physical or psychological harm suffered by the victim due to the alleged act of the child was exacerbated because of the physical or psychological vulnerability or the age of the victim.**

The Juvenile Court concluded that this factor favored transfer: The intended victims were high school students “that would have been unable to protect themselves from an active shooter....and students and teachers would have been vulnerable as Mr. Staley planned out a path through the school....” (Decision Tr. 3; *Findings of Fact and Conclusions of Law* R. 137, p. 2). This was a misapplication of law and facts.

First, all the witnesses agreed that this factor did not apply. There were no identifiable victims—vulnerable or otherwise. The State called no witnesses to establish anything to the contrary, and the police reports were clear on this fact.

Second, the Court relied not on the facts of the “act charged,” but its own speculation about what “would” have happened if there “would have been” an actual shooting. That was not the “act charged.” Jack did not

shoot anyone or attack the school, and he was not accused of those things. The Court's finding was legally and factually flawed.

**3. R.C. 2152.12(D)(3). The child's relationship with the victim facilitated the act charged.**

The Court determined that this factor favored transfer. Reasoning that there was some indication that Jack was bullied in his younger years, the Court determined that this act was some sort of retribution against those who bullied him: "This was his opportunity to get those who had bullied or taunted him for being different." The court further reasoned that Jack wore intimidating clothes, tried to look ominous, and described himself as a "baddass." (Decision Tr. 3; *Findings of Fact and Conclusions of Law* R. 137, p. 2). Without any further explanation, the Court somehow related his "appearance" and attitude to this "relationship" factor.

There was no rational basis for the Court's conclusions. As above, there were no victims to the "act charged." The Court presumed this based on speculation (contrary to the facts and all the evidence). It then presumed that the proposed victims would have been those who bullied

Jack (again with no supporting evidence). Finally, the Court presumed that the motive was to exact revenge for the bullying (again without any factual basis). There was no evidence to establish any “relationship” with anyone who bullied Jack (or otherwise). And there was no evidence to link that relationship as a contributing factor to Jack’s motives. It was pure speculation.

The Court’s reasoning here also reveals the arbitrary and capricious nature of its decision. The Court went to great lengths to use bullying as a basis to justify this factor. But later in its decision, when bullying might have supported amenability, the Court refused to rely on it. In its analysis of R.C. 2152.12(E)(1) and (2) (factors that favor amenability), the Court rejected the notion that bullying created a relationship with the alleged victims that contributed to or provoked the act. (Decision Tr. 8; *Findings of Fact and Conclusions of Law* R. 137, p. 4). In other words, the Court was willing to rely on bullying when it favored transfer but not when it favored amenability. There is no rational justification to support those inconsistent conclusions.

**4. R.C. 2152.12(D)(4). The child allegedly committed the act charged for hire or as a part of a gang or other organized criminal activity.**

The Court was somewhat ambiguous about this factor, and the decision falls short of making any finding: “It is unclear from the record whether or not Mr. Staley was an active member of a White Supremacist or had any other gang affiliation.” The Court could not “conclusively find” that the act was part of “organized criminal activity.” (Decision Tr. 4).

All the witnesses reached the same conclusion—there was no gang or organized activity involved. Yet the Court used this as a platform to highlight the alleged racial and offensive motives—factors that were otherwise not relevant. The Court *wanted* to make a finding here, but it was too far of a stretch.

**5. R.C. 2152.12(D)(5). The child had a firearm on or about the child's person or under the child's control at the time of the act charged, the act charged is not a violation of section 2923.12 of the Revised Code, and the child, during the commission of the act charged, allegedly used or displayed the firearm, brandished the firearm, or indicated that the child possessed a firearm.**

Again, there was really no dispute about this factor. There was no evidence that any firearm was carried, used, or possessed in any way. All the witnesses agreed that this factor did not apply. Yet the Court did not simply dismiss it. Instead the Court stated that “Jack had access to firearms in the home,” had “knowledge of weapons,” and “he took his mother to the range to teach her to shoot.” (Decision Tr. 3; *Findings of Fact and Conclusions of Law* R. 137, p. 3).

The record does not support these conclusions. There was no evidence that Jack had access to firearms in the home. In fact, both parents reported that “Jack never had access to their guns in the home.” (R. 160; Court’s Exhibit—Bindover Packet p. 9). While the discrepancies may be subtle, the importance lies in the Court’s willingness to interpret

facts in a light that sheds a negative cloud on Jack's character. Again, the Court wants to make a finding here but cannot, even with incorrect facts.

**6. R.C. 2152.12(D)(6). At the time of the act charged, the child was awaiting adjudication or disposition as a delinquent child, was under a community control sanction, or was on parole for a prior delinquent child adjudication or conviction**

The Court determines correctly that Jack was not awaiting disposition of any other offense at the time of the act charged.

**7. R.C. 2152.12(D)(7). The results of any previous juvenile sanctions and programs indicate that rehabilitation of the child will not occur in the juvenile system.**

The Court concluded correctly that Jack has no prior history with the system. But its decision did not stop there. The Court noted further that Jack was released on bond in this case prior to the amenability hearing. And although Jack had no violations and responded to all requirements favorably, the Court stated that he acted "creepy" (without any explanation as to how that was relevant). (Decision Tr. 6; *Findings of Fact and Conclusions of Law* R. 137, p. 3).

This factor applies when a juvenile has prior involvement in the system. The point is to determine how the juvenile responded before to help predict his amenability for rehabilitation. In Jack's case, there was no prior contact. The Court related this factor not to any *prior involvement*, but to Jack's *present* response to supervision while released. There might be justification for this if Jack had problems or issues while released. But he did not.

The evidence showed that Jack complied with everything asked of him, including school, therapy, computer restrictions, and house arrest. In fact, those in charge of him were "pleasantly surprised" by his behavior. Yet the Court sought to shed a negative light on these facts by referencing a characterization that Jack was "creepy." The Court specifically asked Ms. Bass-Stith (his supervising officer) about this comment. She not only denied using this characterization, she further testified that she had no issues with Jack and never felt unsafe or in danger in any way. Ms. Thorp (who also supervised Jack during his release) agreed with this assessment of Jack. (Amenability Tr. 92-99; 103-108). The Court apparently

disregarded its own personnel. It relied on the “creepy” character reference in its decision and held that the witnesses felt “trepidation” in Jack’s presence. (Decision Tr. 6; *Findings of Fact and Conclusions of Law* R. 137, p. 3).

Jack’s response to supervision was positive in every way. To the extent this factor was relevant at all, it should have favored amenability. But the Court put it in a negative light. It was willing to find facts favoring transfer, even when they supported the opposite conclusion.

**8. R.C. 2152.12(D)(8). The child is emotionally, physically, or psychologically mature enough for the transfer.**

The Court found that Jack was emotionally mature enough for the transfer. The Court offered several reasons in support.

First, the Court noted that it released Jack from the JDC because he was on suicide watch, implying that it had concerns that Jack might harm himself if left to sit in the JDC. The Court then determined that Jack faked suicidal ideations just to procure his release on bond. The Court reasoned that this type of sophistication (the ability to fake suicidal ideations to gain

release) indicated a “level of psychological maturity.” (Decision Tr. 7; *Findings of Fact and Conclusions of Law* R. 137, p. 3).

Second, the Court concluded that Jack “has never been diagnosed with any behavioral or emotional health disorders.” (Decision Tr. 7; *Findings of Fact and Conclusions of Law* R. 137, p. 3). Therefore, he was sufficiently mature to handle the adult system.

Third, the Court (at least in its oral decision on the record) relied on Dr. Davis’ testimony: “Dr. Davis testified that Mr. Staley was psychologically and emotionally mature.” (Decision Tr. 7).

On its face, the Court’s reasoning makes sense. If the experts agreed that Jack was mature enough for transfer and he did not have any mental health disorders and he is sophisticated enough to fake suicide to procure release, he is mature enough for transfer. The problem is that none of those things was true.

First, Dr. Davis did not testify that he believed Jack was mature enough for transfer, as the Court stated in its oral decision.

Second, all the experts who tested Jack (Dr. Davis, Dr. Speicher-Bocija, and Nationwide Children's Hospital) diagnosed him with several mental health problems: Unspecified Depressive Disorder, Social Anxiety Disorder, and Disruptive Behavior Disorder Not Otherwise Specified. There was no evidence or testimony to the contrary.

Finally, Jack did not fake suicidal ideations to procure his release on bond. According to JDC records, Jack was considered a low suicide risk in his initial screening, and he was placed in general population. (R. 160, Exhibit 3, G9, G11). He was never on suicide watch, and he never made a claim of suicidal ideations. (R. 160, Exhibit 3—JDC Records, G9-G95). In fact, suicide was not discussed at all at the time of his release or in Court's release orders. The Court cited nothing to support this conclusion, and the record speaks for itself—Jack never claimed to be suicidal, and he certainly did not use suicide to induce the Court to release him.

A rational basis requires, at a minimum, correct facts and a reasonable application of those facts. Here the facts were incorrect, the reasoning was irrational, and the finding was arbitrary.

**9. R.C. 2152.12(D)(9). There is not sufficient time to rehabilitate the child within the juvenile system.**

The Court determined that there was insufficient time to rehabilitate Jack in the juvenile system. The Court noted that “Jack has no known mental health diagnosis and there is no programming that will be of assistance in rehabilitating him in the juvenile system.” The Court further reasoned that there is no substance abuse history that could be addressed in juvenile court. (Decision Tr. 7; *Findings of Fact and Conclusions of Law* R. 137, p. 4).

This conclusion specifically contradicted both experts. According to Dr. Davis, “not all treatment options available within the juvenile justice system have been exhausted.” (Amenability Tr. 24; Exhibit 1-Davis Report, p. 24). Dr. Speicher-Bocija agreed: “There appears to be sufficient time to rehabilitate the [sic] Jack within the juvenile system.” (R. 160, Exhibit 2—Netcare Report, p. 11). And as Mr. Farley noted, there was approximately five years (four at the time of the hearing) to

rehabilitate Jack in the juvenile justice system. (R. 160; Court's Exhibit— Bindover Packet p. 17).

Although the Court had discretion to disagree with the experts, that discretion required a rational basis, accurate facts, and reasonable review of the options. None of those things occurred.

At the outset, the Court incorrectly concluded that Jack had no diagnosis of a mental health disorder. All the experts agreed that there were several mental health issues that could be treated. With respect to the possible juvenile treatment options, the Court provided no analysis of the programs available, no consideration of the time-frame (four years), and no reasonable basis to disagree with the expert opinions. The Court likewise ignored the one fact that demonstrated Jack's ability to respond to juvenile treatment--During his release, he responded favorably to supervision, participated in therapy, and complied with the rigors of the juvenile court system.

The psychology was undisputed, and the experts all agreed. There was plenty of time to rehabilitate Jack. Any disagreement required (at a

minimum) an accurate assessment of the facts and a rational review of the options.

**B. Review of Juvenile Court Decision—Factors Favoring Amenability RC. 2152.12(E)(1)-(8).**

The Court’s review of the factors favoring amenability is no less troubling. The decision was quick to dismiss any facts favoring amenability, even when it relied on the same facts to find in favor of transfer.

**1. R.C. 2152.12(E)(1). The victim induced or facilitated the act charged.**

The Juvenile Court determined that this factor did not apply: “The Victims had bullied Mr. Staley at some point. There’s no indication of the time period but the bullying was not considered serious.” (Decision Tr. 8; *Findings of Fact and Conclusions of Law* R. 137, p. 4).

This reasoning directly contradicts the Court’s conclusions regarding R.C. 2152.12(D)(3). Assessing that factor, the Court relied on bullying to conclude that Jack’s relationship to the victims (unknown perpetrators of the bullying) facilitated the act charged. Yet here, where

the same fact (bullying) would support amenability, the Court dismissed it as insignificant and irrelevant. There is no rational or logical explanation for this. Rational basis at least requires a reasonable interpretation of facts and a *consistent* application of those facts to the law.

**2. R.C. 2152.12(E)(3). The child acted under provocation in allegedly committing the act charged.**

The Court found that there was no provocation. In support, the Court stated that “[t]he plan developed between 2015 and 2016.” The Court further stated that Jack “had multiple drafts of the plan, recruited accomplices, he had the physical evidence of the intent to carry out the threat.” It is unclear how this reasoning relates to this factor, and the Court offered no further explanation. (Decision Tr. 8; *Findings of Fact and Conclusions of Law*, R. 137, p. 4).

Again, the problem is the Court’s inconsistent application of facts. When it favored transfer, the Court was willing to rely on bullying to conclude that Jack was provoked by those who bullied him in the past:

“This was his opportunity to get those who had bullied or taunted him for being different.” (Decision Tr. 4; *Findings of Fact and Conclusions of Law*, R. 137, p. 2). But the Court did not even acknowledge bullying here, where it might support amenability.

**3. R.C. 2152.12(E)(3). The child was not the principal actor in the act charged, or, at the time of the act charged, the child was under the negative influence or coercion of another person.**

The Court found that Jack was the “principal actor in the act charged.” The “act charged” was a *conspiracy*, which by definition included co-conspirators. The Court provided no analysis of Jack’s role as compared to the others. And the State offered no evidence to establish that Jack was the principal actor. There was no support for this conclusion.

**4. R.C. 2152.12(E)(4). The child did not cause physical harm to any person or property, or have reasonable cause to believe that harm of that nature would occur, in allegedly committing the act charged.**

At first, the Juvenile Court correctly determined that Jack “did not cause harm to anyone...” But it made a finding against amenability

nonetheless: “the Court has more than reasonable cause to believe that physical harm and even death would have occurred if he had been able to carry out his plan.” (Decision Tr. 9; *Findings of Fact and Conclusions of Law*, R. 137, p. 4).

There are significant problems with the Court’s conclusion here. First, there is no evidence that anyone suffered any sort of harm. Second, the legal standard is not what the *Court* had “reasonable cause to believe,” it is what the *child* had “reasonable cause to believe.” And finally, the Court did not assess this factor on the “act charged,” which caused no harm to anyone. The Court speculated about what would have happened “if he had been able to carry out his plan.” *Id.* The Court misapplied the legal standard to *an entirely different act*, not the one charged.

**5. R.C. 2152.12(E)(5). The child previously has not been adjudicated a delinquent child.**

The Court correctly determined that Jack had no prior adjudication as a delinquent child.

**6. R.C. 2152.12(E)(6). The child is not emotionally, physically, or psychologically mature enough for the transfer.**

Without any analysis, the Court made a conclusory assertion that Jack “is emotionally, physically and psychologically mature enough for the transfer.” (Decision Tr. 9; *Findings of Fact and Conclusions of Law*, R. 137, p. 5). This is contrary to all the evidence. Both experts concluded that Jack was amenable to rehabilitation. And all agreed that the adult system would subject him to dangerous influence. They noted that he was still young and susceptible to such influence. In other words, his maturity level was such that he was not yet developed, and he could still be reached through counseling and therapy in juvenile court. (R. 160; Exhibit 1--Davis Report; Exhibit 2--Netcare Report). There was no evidence to the contrary, and thus no evidence to support the Court’s conclusion.

**7. R.C. 2152.12(E)(7). The child has a mental illness or intellectual disability.**

The Court concluded that this factor did not apply, finding that Jack “has no mental illness or intellectual disability based upon the

psychological reports prepared for this hearing.” (Decision Tr. 9; *Findings of Fact and Conclusions of Law*, R. 137 p. 5). This conclusion is contrary to the diagnostic impressions of all professionals involved in the case who diagnosed a litany of treatable mental health problems: Unspecified Depressive Disorder, Social Anxiety Disorder, and Disruptive Behavior Disorder Not Otherwise Specified. (R. 160; Exhibit 1--Davis Report, p. 15; Exhibit 2--Netcare Report).

**8. R.C. 2152.12(E)(8). There is sufficient time to rehabilitate the child within the juvenile system and the level of security available in the juvenile system provides a reasonable assurance of public safety.**

Following a convoluted summary of the expert opinions, the Court determined that there was insufficient time to rehabilitate Jack in the juvenile system. The Court then cited caselaw to support its rejection of the expert opinions. (Decision Tr. 10; *Findings of Fact and Conclusions of Law*, R. 137 p. 5, citing *State v. Johnson*, Cuyahoga App. No. 99377, 2015-Ohio-96 ¶40 (2015); and *State v. Morgan*, Franklin App. No. 13AP-620, 2014-Ohio-5661 ¶37 (Dec. 23, 2014)).

The Court’s reliance on *Morgan* and *Johnson* was misplaced. In both of those cases, the juvenile courts made specific findings about the “severity of the offenses” after an accurate review of the facts and circumstances.

In *Morgan*, the court noted that there was an actual shooting of three random victims, that the juvenile procured the gun through an aggravated robbery, and the acts showed a blatant disregard for life. The court specifically weighed this severity of these facts against the expert’s opinion, and “significantly discounted” his conclusions. *Morgan* ¶36.

The situation in *Johnson* was similar. It involved a homicide with a firearm. And the *Johnson* court engaged in a similar analysis: “[T]he trial court clearly found the severity of the crime and the callousness of Johnson’s actions...as strong indicators that there was insufficient time for rehabilitation in juvenile court.” *Johnson* ¶43

In both *Johnson* and *Morgan*, the reviewing courts gave deference to the juvenile court because there was a *sufficient factual and legal basis* to do so. As *Johnson* stated, it was duty bound to affirm “regardless of

our personal views of the evidence” if there is a “rational and factual basis to support the trial court’s decision.” *Id.* (quoting *State v. West*, 167 Ohio App.3d 598 (2006)). Unlike Jack’s case, the decisions below provided a detailed and accurate assessment of the severity of the cases, noting that there was actual harm (even death) and made specific findings about the severity of the “act charged.”

The Court here did not make a specific finding about the “seriousness of the offense,” certainly not as that related to the “act charged.” And it did not offer any other specific facts or reasoning as to why the experts were incorrect. There was no analysis as to what programs were available, why they would not work, and why four years was not enough time. The Court likewise failed to offer any rational reason to discount (or completely ignore) Jack’s positive response to therapy and supervision while released on bond.

### **C. The Juvenile Court Abused Its Discretion.**

The abuse of discretion standard is deferential, but it is not without limits. It requires a “rational basis in the record to support the court's

findings...” *State v. Watson*, 47 Ohio St.3d 93, 95-96 (1989). The converse of this standard is that abuse of discretion exists when there is no rational basis in the record to support the court findings. In that situation, courts are bound not to affirm. Jack’s case exemplifies the converse.

The issue here is not just that the Juvenile Court disagreed with irrefutable evidence and made the wrong decision. The issue is *how* the Court reached its decision. The problems are almost too numerous to list, but the more obvious examples stand out.

### **Erroneous facts**

- Court incorrectly found Jack faked suicidal ideations to procure his release when record shows the opposite.
- Contrary to experts’ diagnosis, Court determined there was no diagnosis for treatable mental health disorders, then relied on that to make findings against amenability.
- Court incorrectly stated Dr. Davis testified Jack was psychologically and emotionally mature when transcript reveals no such testimony.

- Court erroneously found Jack’s supervising court personnel felt “trepidation” of him when sworn testimony was the opposite.
- Court concluded Ms. Bass-Stith found Jack to be “creepy” after she denied it in open court.
- Court wrongly determined there were actual “victims” when record established (beyond refute) that there were none.

### **Misapplication of Law**

- Court continually misapplied criteria on its speculation what “could have happened” or “would have happened” rather than the “act charged” as required by law.
- Court misapplied “reasonable foreseeability” of harm test from its own perspective, based on speculation; not Jack’s perspective based on the facts in the record.

### **Inconsistent & Arbitrariness**

- Court concluded bullying was a motivating factor and established a relationship to alleged victims when it favored transfer, but not when it favored amenability.

- Court refused to acknowledge Jack’s response to treatment and supervision while on release and instead focused on unsubstantiated character references.
- Court relied on character descriptions of Jack rather than facts (creepy, allegations of racism, Jack’s demeanor, Jack’s appearance).
- Even when criteria favored amenability (or did not apply), Court took every opportunity to point out negative facts (even though irrelevant) such as Jack’s clothing and appearance.
- Court sought to justify its decision to release Jack due to suicidal ideations when none existed (and none discussed at the time of release).

In sum, the Court relied on erroneous facts and applied those facts inconsistently (against Jack). And to find relevant criteria to support its decision, the Court continually applied incorrect legal standards. The decision was nothing short of “unreasonable, unconscionable, or arbitrary.” *Blakemore* at 219. And beyond the factual and analytical problems, the Court misapplied the law. It considered this case not on the “act charged,” but on its speculations about what *might have* occurred if

Jack committed *a different act*. The abuse of discretion standard does insulate such errors of law. *State v. Reeder*, Franklin App. Nos. 15AP-203; 15AP-218, 2016-Ohio-212 ¶17 (January 21, 2016) (holding that “no court has discretion to commit errors of law”).

The irony is that the Court’s decision may have been on firmer ground if it just expressed disagreement with the experts and relied on a discussion about the “severity of the offense.” It was not required to address all the relevant factors. Based on the deferential standards of review and the lax caselaw on such matters, review would have been more difficult. But the Court sought to justify and rationalize a decision that was contrary to the facts, evidence, and law. And the more detail the Court provided, the more arbitrariness it revealed. Instead of justifying decision, the Court exposed its “[un]sound reasoning process” and its abuse of discretion. *State v. Morris*, Ohio St.3d 337 ¶14 (2011).

## **D. Due Process of Law**

The arbitrariness went beyond an abuse of discretion. It violated Jack's rights to Due Process of Law under the Fourteenth Amendment to the United States Constitution and comparable provisions of the Ohio Constitution. The United States Supreme Court has recognized the importance of due process and fundamental fairness in juvenile transfer proceedings. *Kent v. United States*, 383 U.S. 541 (1966).

In *Kent*, the Supreme Court stressed the importance of a meaningful review in juvenile transfer cases. Even though a comprehensive decision is not required, the decision "should be sufficient to demonstrate that the statutory requirement[s] ...ha[ve] been met; and that the question has received the careful consideration of Juvenile Court; and it must set forth the basis for the order with sufficient specificity to permit meaningful review." *Id* at 561. Implicit is the juvenile's right to a fair and rational decision. "The most important point of the *Kent* decision is that the discretion vested in the juvenile court is not a license to be arbitrary." *In re Snitzky*, 73 Ohio Misc.2d 52, 55 (1995).

The court in *Snitzky* cautioned about the dangers of a decision that masks its intent in convoluted logic and reasoning:

In order to make the necessary public discourse possible, a court must honestly state the reasons for its decision, rather than camouflaging its rationale in the nonsensical intricacies of the statute, rule, and precedents. When a court chooses to camouflage the reasons for a particular decision, it short-circuits the democratic process. In order for this process to function effectively, a juvenile court must honestly and openly articulate the rationale behind its decision whether or not to transfer a youth. Additionally, in order to meet constitutionally mandated due process requirements, a reviewing court must be able to meaningfully review such a decision.

*In re Snitzky*, 73 Ohio Misc.2d 52, 54 (1995).

The Court's decision in Jack's case did just that. It "camouflaged" its rationale with convoluted reasoning and logic. But not entirely. The Court was bothered by the offensive nature of the allegations and racial undertones of the case. And it pointed out those facts whenever possible (even when not relevant at all to the criteria). The Court's decision echoed the prosecutor's argument to "punish" Jack in adult court. The decision was based upon character traits, not psychology. It was premised on

speculation, not fact. And it was based upon an arbitrary assessment of the facts and law.

Based on *Kent* and its progeny, Due Process under the Fourteenth Amendment mandated a “meaningful” review. The decision below was not meaningful, and it does not reflect a reasonable and fair assessment of the case. It reflects a “nonsensical” rationalization and an effort to “camouflage” the underlying motive to transfer the case despite overwhelming contrary evidence. *In re Snitzky* at 54. It reflects arbitrariness. It reflects an abuse of vested discretion. And it violated Jack’s fundamental right under Due Process to a fair hearing on the legal and factual merits.

### **CONCLUSION**

As a factual matter, the case was not the typical bindover scenario. There was no robbery. There was no death or bodily harm. There was no actual firearm. No victims testified about any psychological trauma. Jack had never been in trouble before—delinquency or otherwise. He had family support. He was capable of (and was) participating in ongoing

psycho-therapy. He was treatable, amenable, and on his way to becoming a success story. In any other situation, these facts would be lauded and would barely warrant a request for transfer of jurisdiction.

But this case involved a *possible school shooting*. And that one factor placed the case on a unique (and unwarranted) legal pedestal. That fact put this case in the media spotlight. That fact gave the case a political backdrop. And that fact unconstitutionally clouded the real issue—whether Jack Staley was amenable to treatment in the juvenile justice system. The amenability question became secondary to concerns about the perception of a school shooting case. But the law does not provide for unique treatment of possible school shooters. The question is the same as any other juvenile delinquency matter—whether the child is amenable to care or rehabilitation in the juvenile system.

Sadly, Jack was and is amenable to rehabilitation in the juvenile system. He was making progress and was on his way to becoming a success story. There was (and still is) an opportunity for Jack to contribute positively to society. He can be part of the solution for the

vexing problems that are guiding our youth to commit violent acts. But, as the experts cautioned, the solution cannot be found in the adult prison system—that will only exacerbate the problems and elevate the risk to society. It must happen in the juvenile system. The Juvenile Court shirked its responsibility. It became part of the problem instead of the solution.

For the reasons set forth above, Appellant respectfully requests this Court to sustain his Assignment of Error and remand this matter for further proceedings consistent with law.

Respectfully submitted,



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Attorneys for Appellant

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true copy of the foregoing was served upon The Office of the Franklin County Prosecuting Attorney, via electronic mail to Steven L. Taylor, Esq., on August 3, 2018.



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Stephen E. Palmer

## **APPENDIX**

## **Juvenile Court Journal Entries**

**IN THE COURT OF COMMON PLEAS OF FRANKLIN COUNTY,  
OHIO DIVISION OF DOMESTIC RELATIONS  
AND JUVENILE BRANCH**

**IN THE MATTER OF:**

JOHN LEONARD STALEY, III  
ALLEGED DELINQUENT MINOR CHILD

CASE NO.: 16JU-10-12031  
JUDGE: JAMISON

**JUDGMENT ENTRY**

This day this cause came on for hearing and the Court being fully advised in the premises, and for good cause shown hereby ORDERS:

ON SEPTEMBER 6, 2017, THE COURT FINDS THAT JOHN LEONARD STALEY, III IS NOT AMENABLE TO REHABILITATION AS A JUVENILE, AND THAT THE SAFETY OF THE COMMUNITY MAY REQUIRE THAT HE BE INCARCERATED BEYOND HIS MAJORITY. IT IS THEREFORE ORDERED THAT THIS COURT RELINQUISH JURISDICTION OVER THIS MATTER, AND THAT JOHN LEONARD STALEY, III BE TRANSFERRED TO THE GENERAL DIVISION OF COMMON PLEAS COURT OF FRANKLIN COUNTY FOR CRIMINAL PROSECUTION AS AN ADULT. THE COURT SETS A CASH OR SURETY BOND IN THE AMOUNT OF \$250,000.00 THE COURT SETS AN ADDITIONAL REPORTING RECOGNIZANCE BOND IN THE AMOUNT OF \$10,000.00. IF HE POSTS BOND, JOHN STALEY, III SHALL BE PLACED ON GPS ELECTRONIC MONITORING AND REPORT TO PRE-TRIAL SERVICES AT 375 SOUTH HIGH STREET, COLUMBUS, OH, 5TH FLOOR.

(FRANKLIN COUNTY PROSECUTOR'S OFFICE TO PREPARE JOURNAL ENTRY).

**IT IS SO ORDERED.**

SIGNATURE PAGE ATTACHED

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JUDGE TERRI B. JAMISON

STENO: DQ

**PRAECIPE: TO THE CLERK OF COURTS** Pursuant to Civil Rule 58(B), you are hereby instructed to serve upon all parties not in default for failure to appear, 14 notice of the judgment and its date of entry upon the journal.

**IN THE COURT OF COMMON PLEAS OF FRANKLIN COUNTY,  
OHIO DIVISION OF DOMESTIC RELATIONS  
AND JUVENILE BRANCH**

**IN THE MATTER OF:**

JOHN LEONARD STALEY, III  
ALLEGED DELINQUENT MINOR CHILD

CASE NO.: 16JU-10-12031  
JUDGE: JAMISON

HEARING DATE: AUGUST 30, 2017 AND SEPTEMBER 6, 2017

STATUS: THIS MATTER IS BEFORE THE COURT ON AN AMENABILITY HEARING

THE COURT FINDS THAT THE ABOVE MATTER IS WITHIN THE JURISDICTION OF THE COURT, AND THE PARENTS, GUARDIAN OR PERSON HAVING CUSTODY OF THE CHILD HAS BEEN CITED TO APPEAR AS REQUIRED UNDER SECTION 2151.28 OF THE OHIO REVISED CODE, AND THE FOLLOWING PERSONS WERE PRESENT:

JOHN LEONARD STALEY, DI, MINOR CHILD  
JOSEPH GIBSON, ASSISTANT PROSECUTING ATTORNEY  
BRYAN P01 \_\_\_\_\_ ASSISTANT PROSECUTING ATTORNEY  
STEPHEN PALMER, MINOR CHILD'S ATTORNEY  
JEFFERY LINN, MINOR CHILD'S ATTORNEY

The Court proceeded to hear SWORN testimony from the following person(s):

**DEFENDANT'S WITNESSES**

Dr. Daniel Davis (declared an expert witness)  
Nicole Bass Stith, Probation  
Lois Thorpe, Electronic Monitoring

**STATE'S EXHIBITS**

A - Extraction Report web bookmarks  
B - Extraction Report web history  
C - Extraction Report instant messages (110)  
D - Extraction Report instant messages (27)  
E - Extraction Report - instant messages  
(29) F - Diagram/Map #1  
G - Diagram/Map #2  
H - Extraction Report - images saved to phone

OB531 - Franklin County Ohio Clerk of Courts of the Common Pleas- 2017 Sep 11 2:35 PM-16J11012031IN  
THE COURT OF COMMON PLEAS OF FRANKLIN COUNTY, OHIO DIVISION OF DOMESTIC  
RELATIONS AND JUVENILE BRANCH

**IN THE MATTER OF:**

JOHN LEONARD STALEY, III  
ALLEGED DELINQUENT MINOR CHILD

CASE NO.: 16JU-10-12031  
JUDGE: JAMISON

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DEFENDANT'S EXHIBITS

#1 Psychological completed by Dr. Davis  
#2 Netcare Forensic Report  
#3 JDC records

THE COURT ENTERS THE BINDOVER PACKET IN AS EVIDENCE

\*\*EVIDENCE IS LOCATED IN THE STENOGRAPHER'S OFFICE, 5 FLOOR, 373 S.  
HIGH STREET, COLUMBUS, OHIO 43215.

Parties presented closing arguments.

FINDINGS:

The Court shall file findings under separate entry.

**NOTICE TO THE PARTIES: Any currency belonging to a juvenile held in the Juvenile Detention Center (JDC) must be claimed by the parent, guardian or an agency representative within thirty (30) days of the juvenile's release from the JDC. If such funds are not claimed during the time provided, they will be paid to Franklin County Auditor and held as unclaimed funds.**

**NOTICE TO THE PARTIES: A party shall not assign as error on appeal the court's adoption of any factual finding or legal conclusion, whether or not specifically designated as a finding of fact or conclusion of law under Civil Rule 53(D)(3)(a)(ii) or Juvenile Rule 40(D)(3)(a)(ii), unless the party timely and specifically objects to that factual finding or legal conclusion as required by Civil Rule 53(D)(3)(b) or Juvenile Rule 40(D)(3)(b).**

**IN THE COURT OF COMMON PLEAS OF FRANKLIN COUNTY,  
OHIO DIVISION OF DOMESTIC RELATIONS  
AND JUVENILE BRANCH**

**IN THE MATTER OF:**

JOHN LEONARD STALEY, LII  
ALLEGED DELINQUENT MINOR CHILD

CASE NO.: 16JU-10-12031  
JUDGE: JAMISON

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IN VIEW OF THE FOREGOING FACTS:

ON SEPTEMBER 6, 2017, THE COURT FINDS THAT JOHN LEONARD STALEY, III IS NOT AMENABLE TO REHABILITATION AS A JUVENILE, AND THAT THE SAFETY OF THE COMMUNITY MAY REQUIRE THAT HE BE INCARCERATED BEYOND HIS MAJORITY. IT IS THEREFORE ORDERED THAT THIS COURT RELINQUISH JURISDICTION OVER THIS MATTER, AND THAT JOHN LEONARD STALEY, III BE TRANSFERRED TO THE GENERAL DIVISION OF COMMON PLEAS COURT OF FRANKLIN COUNTY FOR CRIMINAL PROSECUTION AS AN ADULT. THE COURT SETS A CASH OR SURETY BOND IN THE AMOUNT OF \$250,000.00 THE COURT SETS AN ADDITIONAL REPORTING RECOGNIZANCE BOND IN THE AMOUNT OF \$10,000.00. COURT COSTS WAIVED. (FRANKLIN COUNTY PROSECUTOR'S OFFICE TO PREPARE JOURNAL ENTRY).

STENO: DQ

Franklin County Court of Common Pleas

**Date:** 09-11-2017  
**Case Title:** IN THE MATTER OF: JOHN L STALEY III  
**Case Number:** 16JU012031  
**Type:** JUDGMENT ENTRY

Terri B. Jamison, Judge

A handwritten signature in cursive script that reads "Terri B. Jamison". The signature is written over a circular, textured seal or stamp. The seal appears to be the official seal of the Franklin County Court of Common Pleas, though the text within it is not clearly legible.

Terri B. Jamison

Electronically signed on 2017-Sep-11 page 5 of 5

**Juvenile Court Findings of Fact & Conclusions of Law**

**IN THE COURT OF COMMON PLEAS, FRANKLIN COUNTY OHIO  
DOMESTIC RELATIONS DIVISION JUVENILE BRANCH**

**IN THE MATTER OF: John**

**Leonard Staley, III**

**Alleged Delinquent.**

**CASE NO. 16JU 12031**

**JUDGE JAMISON**

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

This matter came on to be heard on September 6, 2017, upon the amenability of John Leonard Staley, III to treatment in the juvenile justice system.

The Court heard testimony from Dr. Daniel Davis, Ph.D., Nicole Bass-Stith, Intensive Probation Officer, and Lois Thorpe, EMD, reviewed the PSI, the Motion to Relinquish Jurisdiction Investigation which included Social Investigation, Hilliard Division of Police Report, Forensic Psychological Evaluations of Dr. Daniel Davis and NetCare that were ordered pursuant to Ohio Revised Code 2152.12 and Ohio Rule of Juvenile Procedure 30, Hilliard Davidson School Records, and Treatment Records. The Court also reviewed applicable statutes and case law.

Based upon the above the Court finds that pursuant to 2152.12, which reads in pertinent part:

**(B) Except as provided in division (A) of this section, after a complaint has been filed alleging that a child is a delinquent child for committing an act that would be a felony if committed by an adult, the juvenile court at a hearing may transfer the case if the court finds all of the following:**

- (1) The child was fourteen years of age or older at the time of the act charged.**

John Leonard Staley, III's date of birth is August 3, 2000, making him 16 years:of age at the time of the alleged offense.

(2) There is probable cause to believe that the child committed the act charged,  
John Leonard Staley, III entered a stipulation to a finding of probable cause.

(D) In considering whether to transfer a child under division (B) of this section, the juvenile court shall consider the following relevant factors, and any other relevant factors, in favor of a transfer under that division:

(1) The victim of the act charged suffered physical or psychological harm, or serious economic harm, as a result of the alleged act.

The Court disagrees with the psychologists and probations finding that there are no victims in this case. This case came to the attention of law enforcement and the schools because Mr. Staley attempted to recruit and was successful in recruiting some coconspirators **in** this act. The victims in this case may not have suffered physical harm but they indeed suffered psychological harm. They were placed in fear of harm and imminent danger in a terrorism attack.

(2) The physical or psychological harm suffered by the victim due to the alleged act of the child was exacerbated because of the physical or psychological vulnerability or the sage of the victim.

The intended victims were high school students that would have been unable to protect themselves from an active shooter in the school. The students and teachers would have been vulnerable as Mr. Staley planned out a path through the school, the targets he would take and the escape route he would use to exit the school. The Court finds that this exacerbated the psychological harm to the victims.

(3) The child's relationship with the victim facilitated the act charged.

There's indication that Mr Staley was bullied in school. This was his opportunity to get those who had bullied or taunted him for being different. He admittedly developed an ominous or threatening image and described himself as a "badass" during the investigative interview. He began to wear black clothes and leather duster with a skunk's scent in an effort to keep others at bay. He reported that He wore clothes that made him look like a "school shooter". Therefore, the Court finds that his relationship with the victims facilitated the act charged.

(4) The child allegedly committed the act charged for hire or as a part of a gang or other organized criminal activity.

**It** was unclear from the record whether or not Mr. Staley was an active member of a White Supremacist or had any other gang affiliation. The psychologists opined that he is a low to moderate risk for aggressive behavior.

(5) The child had a firearm on or about the child's person or under the child's control at the time of the act charged, the act charged is not a violation of section 2923.12 of the Revised Code, and the child, during the commission of the act charged, allegedly used or displayed the firearm, brandished the firearm, or indicated that the child possessed a firearm.

There is no indication that Mr. Staley had carried a firearm into the school but the record is clear that he did have access to firearms in the home. The record is also clear that Mr. Staley has knowledge of weapons and admitted in his PSI report that he took his mother to the range to teach her to shoot. He has an affinity for weapons. Given the nature of the seriousness of his charges, he still wants to pursue a career as a gun smith. The Court finds that this factor is not applicable as Mr. Staley did not use, display, brandish or indicate that he possessed a firearm.

(6) At the time of the act charged, the child was awaiting adjudication or disposition as a delinquent child, was under a community control sanction, or was on parole for a prior delinquent child adjudication or conviction.

This factor is not applicable.

(7) The results of any previous juvenile sanctions and programs indicate that rehabilitation of the child will not occur in the juvenile system.

The Court released Mr. Staley on GPS EMD monitoring during the pendency of the case after he had been detained in the Juvenile Detention Center for 173 days. He had no outages or overt violations of the Court's orders. The probation officer and EMD monitor were in contact with him on a weekly basis. In their testimony or report to the writing officer, at least one of the witnesses felt that Mr. Staley was "creepy". He hovered over them when they were checking his computer to be sure that he had not been on any websites related to terrorism. There was some trepidation of the witnesses in monitoring Mr. Staley. However, the only treatment Mr. Staley has received has been with individual and family counseling since ...this case began. The Court has no history reported by Mr. Staley or his family of previous juvenile sanctions or programs.

(8) The child is emotionally, physically, or psychologically mature enough for the transfer.

Mr. Staley is emotionally mature enough for the transfer. His mother indicated that he stopped sharing his emotional feelings with her around the age of 12. There's indication that his father teased him for crying and he developed a more "macho" personality. Mr. Staley has never been diagnosed with any behavioral or emotional health disorders. He denied feeling suicidal or homicidal. However, in the JDC, Mr. Staley was on suicide protocol which was one of the factors the Court considered when he was ordered released on house arrest. This indicates a level of psychological maturity in that he denied during his interview being suicidal but used being suicidal to have counseling from his personal counselor while detained and ultimately used suicide as one of the factors the Court used in making a determination to issue an order for his release from the JDC. He scored a

high rating in Peer Rejection and Dr. Davis testified that Mr. Staley is psychologically mature. There is no indication that Peer Rejection contributed to his escalation of his plan to commit the school shootings.

(9) There is not sufficient time to rehabilitate the child within the juvenile system,

Mr. Staley had been developing his plan for more than one year. He has no known mental health diagnosis and there is no programming that will be of assistance in rehabilitating him in the juvenile system. There is no reported abuse history, drug or alcohol addiction, no educational difficulties or IEP is noted in his educational file that would be ordered for rehabilitation in the juvenile system.

(E) In considering whether to transfer a child under division (B) of this section, the juvenile court shall consider the following relevant factors, and any other relevant factors, against a transfer under that division:

(1) The victim induced or facilitated the act charged.

The victims had bullied Mr. Staley at some point. There's no indication of the time period but the bullying was not considered serious.

(2) The child acted under provocation in allegedly committing the act charged.

There's no indication that he acted under provocation. This plan was developed between 2015 and 2016. He had multiple drafts of the plan, recruited accomplices, he had the physical evidence of the intent to carry out the threat.

(3) The child was not the principal actor in the act charged, or, at the time of the act charged, the child was under the negative influence or coercion of another person.

Mr. Staley is the principal actor in the act charged,

(4) The child did not cause physical harm to any person or property, or have reasonable cause to believe that harm of that nature would occur, in allegedly committing the act charged.

Although Mr. Staley did not cause physical harm to anyone, the Court has more than reasonable cause to believe that physical harm and even death would have occurred if he had been able to carry out his plan.

(5) The child previously has not been adjudicated a delinquent child. Mr. Staley

has not previously been adjudicated a delinquent child.

(6) The child is not emotionally, physically, or psychologically mature enough for the transfer.

The Court finds that he is emotionally, physically and psychologically mature enough for the transfer.

(7) The child has a mental illness or intellectual disability.

Mr. Staley has no mental illness or intellectual disability based upon the psychological reports prepared for this hearing.

(8) There is sufficient time to rehabilitate the child within the juvenile system and the level of security available in the juvenile system provides a reasonable assurance of public safety.

Both Dr. Davis and Dr. Specier-Bocija concluded that Mr. Staley is amenable to treatment in the juvenile justice system. However, the Court reviewed *State v. Marshall*, 2016-Ohio-3184, where the trial court had made the decision to sustain the motion to relinquish when the psychologist had opined that the juvenile was amenable to treatment and the Court found that he was not. The trial court's ruling was affirmed in that case. A juvenile court in making an amenability determination is entitled to disagree with the opinion of a medical expert and may take into account the severity of the offenses when considering whether a juvenile is mature enough for transfer and whether enough time exists to rehabilitate in the juvenile-justice system. See *State v. Johnson*, 2015-Ohio-96; 27 N.E.3d 9, ¶40 (8th Dist.); *Morgan*, 10th Dist Franklin No 13AP-620, 2014-Ohio-5661, at 1 37 (holding that a juvenile court is not bound by an expert opinion).

The Court finds that there is not sufficient time to rehabilitate Mr. Staley and provide a reasonable assurance of public safety. Mr. Staley is currently on GPS EMD monitor on house arrest. It is not conceivable that he can be maintained in that state. It's important to note that he concocted this plan while in his parents' home, on his home computer, made maps or plans through electronic communication with peers, has a fixation on violence, violent acts, violent people, such as Timothy McVey and Charles Manson, homegrown terrorists, violent groups such as Nazis and the KKK, and numerous prior-school shooters. He had acquired a bullet proof vest and a gas mask for his attack. He had dwelled on his plan for the span of a year although the drawings/plans were considered recently done.

Dr. Davis opined that there was no evidence or indication of an increasing imperative to commit the act. There's no indication that bullying attributed to this act as he had already developed the persona of a school shooter. There's no psychological break from reality. Dr. Davis also cautioned that the threat assessment model did accurately predict the allegations, even though the assessment is a measure of immediacy and different from a longer term predictive assessment.

Dr. Davis also offered diagnostic impressions of an Unspecified Depressive Disorder, Social Anxiety Disorder, Disruptive Behavior Disorder Not Otherwise Specified, and Rule Out Autism Spectrum Disorder. The Court finds that none of these disorders rise to a level

of incompetence to understand the actions that he has committed, to assist with his own defense or understand the nature of these proceedings.

Dr. Specier-Bocija conducted the same assessments as Dr. Davis and opined that Mr. Staley had a high score on the Sophistication-Maturity scale of the RSTI. She opined that Mr. Staley displayed a tendency to direct his high level of Sophistication-Maturity to a criminologic end in sustaining the delinquency charge. Also she noted that Mr. Staley called the diagram he created and its implicit threat a joke. Further she opined, based upon the Virginia Model for Student Threat Assessment, Mr. Staley should be considered as a "high threat" level. She recommended that the Court consider imposing a serious youthful offender designation because he is highly motivated to avoid adult sanctions. Franklin County Prosecutor's Office did not file for a Serious Youthful Offender specification, therefore, the Court cannot consider this option.

The Court finds that John Leonard Staley III is not amenable to treatment in the juvenile-justice system. The Court GRANTS the State's Motion to Relinquish Jurisdiction and transfer the case for prosecution to the Franklin County Court of Common Pleas, General Division. The Court sets a bond of \$250,000, cash or surety and orders Mr. Staley be held at the Franklin County Juvenile Detention Center until bond is posted. If bond is posted, he should be monitored on GPS by the general division. The Court added the additional requirement of \$10,000.00 Reporting Recognizance Bond. If released, Mr. Staley will report to Pre-Trial Services at 375 South High Street, Columbus, OH 43215.

\*---jtjUGE TERRI JA ISON

(I/

Court Disposition

Case Number: 16JU012031

Case Style: IN THE MATTER OF: JOHN L STALEY III

Motion Tie Off Information:

1. Motion CMS Document Id: 16JU012031002016-10-1199970000  
Document Title: 10-11-2016-MOTION TO RELINQUISH  
JURISDICTION (BIND OVER) - DEFENDANT: JOHN L. STALEY III  
Disposition: MOTION GRANTED