

IN THE COURT OF APPEALS OF OHIO
TENTH APPELLATE DISTRICT

State of Ohio,	:	
Plaintiff-Appellee,	:	
v.	:	No. 25AP-850 (C.P.C. No. 24CR-922)
Hunter Krouse,	:	(REGULAR CALENDAR)
Defendant-Appellant.	:	

D E C I S I O N

Rendered on September 22, 2026

On brief: *Shayla D. Favor*, Prosecuting Attorney, and *Jeffrey D. Devereaux*, for appellee. **Argued:** *Jeffrey D. Devereaux*.

On brief: *Elizabeth R. Miller*, Ohio Public Defender, and *Victoria Ferry*, for appellant. **Argued:** *Jamie Salazar*.

APPEAL from the Franklin County Court of Common Pleas

DORRIAN, J.

{¶ 1} Defendant-appellant, Hunter Krouse, appeals the September 22, 2025 judgment of the Franklin County Court of Common Pleas entering convictions pursuant to his guilty pleas to one count of involuntary manslaughter with a firearm specification and one count of aggravated robbery, and imposing sentences on those convictions. For the following reasons, we affirm.

I. Facts and Procedural History

{¶ 2} On November 21, 2022, Krouse, who was then 14 years old, arranged to meet N.H., who was 16 years old, at the Dublin recreation center to purchase marijuana cartridges for a vape device. Krouse had contacted N.H. via Snapchat to negotiate the purchase. Krouse traveled to the recreation center in a gray car with several other

individuals, including his brother. Upon arriving at the recreation center, Krouse and his brother exited the car and approached N.H. N.H. later told police that one of the two individuals who approached him was holding a gun and demanded his backpack, wallet, and cell phone. After N.H. handed over his belongings, the individual holding the gun struck N.H. in the head with it. Krouse and his brother then got back in the car and the driver drove away. N.H.'s backpack and cell phone were later found discarded along the side of a road.

{¶ 3} Krouse also contacted T.H., who was 18 years old, via Snapchat to arrange the purchase of marijuana. On December 3, 2022, Krouse was at an apartment with three other juveniles and told T.H. to come to that location to sell them some marijuana. While waiting for T.H. to arrive, one of the other juveniles revealed a handgun and stated that he planned to rob T.H. At the request of that individual, Krouse contacted T.H. to verify that he was coming alone. When T.H. arrived, Krouse and the three others went to the parking lot to meet him. An argument ensued and T.H. was shot in the back of the head when he tried to drive away. Columbus police officers later found T.H. unresponsive in his vehicle and he died the following day.

{¶ 4} Plaintiff-appellee, State of Ohio, filed a complaint in Franklin County Court of Common Pleas, Division of Domestic Relations, Juvenile Branch, Case Number 22JU-12624 ("Case No. 22JU-12624") alleging that Krouse was a delinquent child for having committed the offenses of aggravated robbery and murder against T.H. on December 3, 2022. The state subsequently filed a complaint in Franklin County Court of Common Pleas, Division of Domestic Relations, Juvenile Branch, Case Number 23JU-534 ("Case No. 23JU-534") alleging Krouse was a delinquent child for having committed the offenses of aggravated robbery and felonious assault against N.H. on November 21, 2022. The state then moved the juvenile court to relinquish jurisdiction in both cases and transfer them to the Franklin County Court of Common Pleas, General Division, for criminal prosecution of Krouse as an adult. Such a transfer of a case from juvenile court to adult court for criminal prosecution is also referred to as bindover.

{¶ 5} Krouse's counsel requested a competency evaluation and two evaluations were conducted. One evaluation concluded Krouse was incapable of understanding the proceedings and assisting in his own defense but would be able to attain competency within

a year with treatment. The second evaluation concluded Krouse was competent to stand trial. The trial court conducted a competency hearing on September 11, 2023. The parties stipulated to the two evaluation reports and presented arguments regarding Krouse's competence. At the end of the hearing, the juvenile court found Krouse to be competent to stand trial.

{¶ 6} The juvenile court conducted a probable cause hearing in both cases on October 31, 2023. Krouse stipulated to the existence of probable cause and the state briefly described the facts in both cases. The court accepted the stipulations and issued judgment entries finding probable cause to believe that Krouse committed the offenses charged in both cases. The juvenile court ordered a bindover investigation and an amenability assessment to be completed.

{¶ 7} Dr. Jennifer Alpert, a licensed psychologist, completed a psychological evaluation of Krouse and submitted a report to the juvenile court ("the Alpert report"). In preparing her report, Dr. Alpert reviewed the prior competency evaluation, police records, school records, counseling records, and juvenile detention records related to Krouse. Dr. Alpert interviewed Krouse and her assistant administered psychological tests and assessment tools on him. Dr. Alpert opined that Krouse would benefit from comprehensive, intensive treatment, a psychotropic medication reevaluation, weekly suicide risk assessments, and daily check-ins. Dr. Alpert further opined that Krouse would likely benefit from treatment focused on anger management, defiant behaviors, and adaptive coping, and would also benefit from trauma-focused cognitive-behavioral therapy. Dr. Alpert concluded there were several factors suggesting that Krouse would be amenable to treatment in the juvenile system but admitted there were also factors that argued against keeping Krouse in the juvenile system. Ultimately, Dr. Alpert concluded that, in her opinion, rehabilitation within the juvenile system would be effective and successful for Krouse, that there was sufficient time to rehabilitate him within the juvenile system, and that the juvenile system would likely provide an appropriate level of security for him.

{¶ 8} The Alpert report and a bindover investigation report were presented at an amenability hearing on January 24, 2024. The state stipulated that, if called as a witness, Dr. Alpert would testify consistently with the contents of her report. The state argued in favor of bindover, asserting that the factors in favor of transferring the cases to adult court

outweighed those favoring retaining the cases in juvenile court. Krouse argued that the cases should not be transferred to adult court, claiming he was amenable to rehabilitation in the juvenile system and that the factors in favor of transfer did not outweigh the factors in favor of retaining the cases in the juvenile court. Krouse's mother spoke on his behalf. T.H.'s parents also spoke at the amenability hearing. At the end of the hearing, the juvenile court concluded that Krouse was not amenable to rehabilitation in the juvenile system because the factors in favor of transferring the cases to adult court outweighed the factors in favor of retaining the cases in juvenile court. Pursuant to that conclusion, the juvenile court entered orders granting the state's motions to transfer the cases to the Franklin County Court of Common Pleas, General Division, for prosecution of Krouse as an adult.

{¶ 9} On March 11, 2024, the Franklin County Grand Jury entered an indictment charging Krouse with one count of aggravated murder with a firearm specification, two counts of murder with firearm specifications, two counts of aggravated robbery with firearm specifications, and two counts of felonious assault with firearm specifications. Krouse initially pleaded not guilty to the charges. Pursuant to a motion filed by Krouse's counsel, the trial court ordered a competency evaluation to be completed. Following a hearing on May 14, 2025, the trial court issued a judgment finding Krouse competent to stand trial. Then, on July 28, 2025, Krouse entered guilty pleas to one count of involuntary manslaughter with a firearm specification as a lesser-included offense of the aggravated murder charge, and one count of aggravated robbery.

{¶ 10} On September 22, 2025, the trial court issued a judgment entry convicting Krouse, pursuant to his guilty pleas, of one count of involuntary manslaughter with a firearm specification and one count of aggravated robbery. The court imposed a mandatory term of 3 years of imprisonment on the firearm specification to be served consecutive to a mandatory term of 10 to 15 years of imprisonment on the involuntary manslaughter conviction and 4 years of imprisonment on the aggravated robbery conviction, for a total sentence of 17 to 22 years of imprisonment. The court notified Krouse he would be subject to 2 to 5 years of post-release control upon release and found that he had 994 days of jail-time credit.

II. Assignment of Error

{¶ 11} Krouse appeals and assigns the following sole assignment of error for our review:

The trial court abused its discretion when it transferred Hunter's case for criminal prosecution, in violation of R.C. 2152.12(B); U.S. Const., amend. V and XIV; Ohio Const., art. I, § 10.

III. Discussion

A. Governing law and standard of review

{¶ 12} This appeal involves discretionary transfer of cases filed in juvenile court for prosecution in adult court. “ ‘Discretionary transfer, as its name implies, allows judges the discretion to transfer or bind over to adult court certain juveniles who do not appear to be amenable to care or rehabilitation within the juvenile system or appear to be a threat to public safety.’ ” *State v. D.W.*, 2012-Ohio-4544, ¶ 10, quoting *State v. Hanning*, 2000-Ohio-436, ¶ 19. Under R.C. 2152.12(B), after a complaint has been filed in juvenile court alleging a child is a delinquent child for committing an act that would be a felony if committed by an adult, the juvenile court may transfer the case to adult court for prosecution if it finds that (1) the child was at least 14 years old at the time of the charged act, (2) there is probable cause to believe the child committed the charged act, and (3) the child is not amenable to care or rehabilitation in the juvenile system and the safety of the community may require the child to be subject to adult sanctions. R.C. 2152.12(B)(1) through (3); *State v. Nicholas*, 2022-Ohio-4276, ¶ 4. Before ordering a discretionary transfer, the juvenile court “shall 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).

{¶ 13} When determining whether a child is amenable to care or rehabilitation within the juvenile system, and whether the safety of the community requires the child to be subject to adult sanctions, the juvenile court must balance statutory factors weighing in favor of a transfer that are set forth in R.C. 2152.12(D), against statutory factors weighing against a transfer that are set forth in R.C. 2152.12(E). *Nicholas* at ¶ 5; R.C. 2152.12(B)(3). The court must indicate on the record the specific factors it weighed in making its

determination. *Nicholas* at ¶ 5. “Because the statutes are silent regarding the weight accorded to individual factors, the juvenile court ‘has the discretion to determine how much weight should be accorded to any given factor.’” *State v. J.L.S.*, 2019-Ohio-4173, ¶ 23 (10th Dist.), quoting *State v. Easley*, 2016-Ohio-7271, ¶ 8 (10th Dist.).

{¶ 14} We review a juvenile court’s determination regarding amenability to rehabilitation in the juvenile system for abuse of discretion. *Id.* at ¶ 21. See *In re M.P.*, 2010-Ohio-599, ¶ 14 (holding that a juvenile court’s amenability determination is reviewed for abuse of discretion because “an amenability hearing is a broad assessment of individual circumstances and is inherently individualized and fact-based”). “An abuse of discretion occurs when a decision is unreasonable, arbitrary, or unconscionable; however, a court lacks authority to commit an error of law when exercising its discretion.” *State v. Smith*, 2025-Ohio-581, ¶ 14 (10th Dist.).

B. The state’s waiver argument

{¶ 15} Before addressing the merits of Krouse’s assignment of error, we must consider the state’s assertion that Krouse waived his right to appeal the juvenile court’s amenability determination by pleading guilty in adult court. The state argues that a valid guilty plea waives the right to appeal all prior non-jurisdictional defects. The state further argues that amenability is a non-jurisdictional issue because a juvenile can waive the right to an amenability hearing.

{¶ 16} Krouse asserts he did not waive his right to challenge the amenability determination by pleading guilty in adult court because his guilty plea was only an admission to the acts constituting the offenses to which he pleaded guilty. Krouse argues his guilty plea did not constitute an admission that he was not amenable to rehabilitation in the juvenile system.

{¶ 17} Absent a proper bindover procedure, the juvenile court has exclusive subject-matter jurisdiction over any case involving a child who is alleged to be delinquent. *Humphrey v. Bracy*, 2021-Ohio-3836, ¶ 10; *State v. Wilson*, 1995-Ohio-217, ¶ 12. However, the Supreme Court of Ohio has held that not every requirement of the bindover statute, even if mandatory, is jurisdictional. *Smith v. May*, 2020-Ohio-61, ¶ 31. In the context of a habeas corpus claim asserting an improper bindover procedure, the Supreme Court declared that “[d]eviation from a bindover procedure gives rise to a potentially valid habeas

claim only if the applicable statute clearly makes the procedure a prerequisite to the transfer of subject-matter jurisdiction to an adult court.” *Id.* at ¶ 29. *See Humphrey* at ¶ 10 (“[N]onjurisdictional defects in the juvenile court’s bindover proceedings do not give rise to habeas corpus relief and are instead subject to review on appeal in the ordinary course of the law.”). The Supreme Court subsequently stated it would be “reluctant to find” a jurisdictional barrier in the absence of language “clearly stating” that failure to comply with a statutory requirement provision created such a barrier. *In re R.B.*, 2020-Ohio-5476, ¶ 42. *See In re K.K.*, 2022-Ohio-3888, ¶ 54 (“The fact that the legislature did not include any mention of the court’s jurisdiction in former R.C. 2151.35(B)(1) shows that there was no express legislative intent to divest the juvenile court of its subject-matter jurisdiction for failing to comply with the 90-day timeframe. Therefore, the judgment is voidable, not void. Any error in the court’s exercise of jurisdiction by failing to comply with the timing requirement is subject to challenge in a direct appeal.”); *State v. Deems*, 2020-Ohio-4076, ¶ 28 (10th Dist.) (concluding that juvenile court’s failure to include a physical examination in its bindover investigation “was not the type of error that would deprive the general division of jurisdiction to try appellant as an adult”).

{¶ 18} The Supreme Court has held that a juvenile may waive the right to an amenability hearing prior to a discretionary bindover. *D.W.*, 2012-Ohio-4544, at ¶ 21. Relying on that holding, the Supreme Court also has held that the failure of a juvenile court to conduct an amenability hearing does not deprive the adult court of subject-matter jurisdiction. *State ex rel. Parker v. Black*, 2022-Ohio-1730, ¶ 13. The Supreme Court has broadly asserted that “if the requirements [of the bindover statute] are waivable, they are not jurisdictional.” *Smith* at ¶ 26.

{¶ 19} As the state notes, the Supreme Court has held that “[a] valid guilty plea by a counseled defendant . . . generally waives the right to appeal all prior nonjurisdictional defects.” *State v. Beasley*, 2018-Ohio-16, ¶ 15. Relying on that general principle, and the Supreme Court’s separate declarations that a juvenile may waive the right to an amenability hearing and that waivable requirements of the bindover statute are non-jurisdictional, the state argues that a guilty plea in adult court waives any claim of error related to the amenability determination.

{¶ 20} The case law relied on by the state in its waiver argument must be reconciled with other Supreme Court decisions relating to appeals from bindover decisions. The Supreme Court has held that a defendant may not immediately appeal a juvenile court’s bindover decision and instead must wait to appeal at the end of the adult court proceedings. *In re D.H.*, 2018-Ohio-17, ¶ 1. Consistent with that holding, the Supreme Court rejected a habeas corpus claim in *Parker*, in which the claimant argued the adult court lacked jurisdiction over him because the juvenile court did not conduct an amenability hearing before transferring his case for prosecution in adult court. The Supreme Court stated that the claimant “could have raised his arguments about the lack of an amenability hearing *when he appealed his conviction.*” (Emphasis added.) *Parker* at ¶ 13. *See Smith*, 2020-Ohio-61, at ¶ 29 (Emphasis in original.) (“Juveniles facing bindover to an adult court maintain the right to object to a juvenile court’s noncompliance with bindover procedures and the right to appeal from any error *in the ordinary course of law.*”).

{¶ 21} The Eighth District Court of Appeals rejected a similar waiver argument to the one the state makes here in a recent decision. *State v. D.T.*, 2024-Ohio-4482 (8th Dist.).¹ In that case, the state asserted that a guilty plea in adult court waived the defendant’s right to challenge the juvenile court’s failure to hold a competency hearing or to challenge the juvenile court’s amenability determination. *Id.* at ¶ 63. In support of its waiver argument, the state cited decisions from other courts holding that a guilty plea in adult court waives the ability to challenge the sufficiency and weight of the evidence presented at a juvenile court probable-cause hearing. The Eighth District rejected the state’s analogy, reasoning that “errors related to . . . deficiencies in the juvenile court’s amenability determination are very different from a challenge to the factual or evidentiary basis for a juvenile court’s probable-cause determination.” *Id.* at ¶ 76. The court further reasoned that errors in the juvenile court’s amenability determination “do not relate to an offender’s factual guilt.” *Id.* “While a defendant, when entering a guilty plea in adult court, admits committing the acts that constituted the offenses to which he pleads guilty (and which were the subject of the juvenile court’s probable-cause determination), he does not make any admission . . . that he was not amenable to care or rehabilitation in the juvenile

¹ The Eighth District’s decision in *D.T.* has been appealed to the Supreme Court of Ohio. *State v. D.T.*, Sup. Ct. No. 2024-1276. Oral argument in that appeal was held on October 8, 2025; as of the date of this decision, the appeal remains pending.

justice system.” *Id.* The Eighth District also noted that, because the Supreme Court of Ohio has held that a juvenile court’s bindover decision may not be appealed until after final judgment in adult court, the effect of holding that a guilty plea in adult court waives the ability to challenge the juvenile court’s amenability determination would be to force defendants to go to trial to preserve the right to bring such challenges. *Id.* at ¶ 79. The Eighth District rejected that result, asserting “[w]e do not believe a defendant must choose to go to trial, rather than enter a guilty plea, in order to preserve his or her right to challenge errors in the juvenile court’s handling of competency issues or its amenability determination.”² *Id.*

{¶ 22} We agree with the Eighth District’s reasoning. Generally, “[a] waiver is the intentional relinquishment of a known right or privilege.” *State v. Bays*, 1999-Ohio-216, ¶ 29. In light of the Supreme Court’s holding that a bindover decision may not be immediately appealed, it does not follow that a defendant who pleads guilty in *adult court* after bindover is intentionally or knowingly relinquishing the right to challenge errors in the *juvenile court* bindover proceedings. As the Eighth District noted, the admission of factual guilt made through a guilty plea in adult court does not relate to whether the defendant was amenable to rehabilitation within the juvenile system.³ *See State v. Nash*,

² We acknowledge that a defendant may also preserve his appellate rights without admitting guilt by entering a no-contest plea. *See* Crim.R. 11(B)(2) and 12(I); *State v. Hill*, 2022-Ohio-4544, ¶ 7-8. However, a trial court is not required to accept a no-contest plea. Crim.R. 11(A) (“A defendant may plead not guilty, not guilty by reason of insanity, guilty or, with the consent of the court, no contest.”); Crim.R. 11(C)(2) (“In felony cases the court may refuse to accept a plea of guilty or a plea of no contest[.]”); *Hill* at ¶ 9. The record in the case before us does not indicate whether the plea agreement offered by the state required Krouse to enter a guilty plea or whether the trial judge would have accepted a no-contest plea if Krouse had sought to enter one.

³ We further note that the United States Supreme Court has stated that “[a] guilty plea . . . renders irrelevant those constitutional violations *not logically inconsistent* with the valid establishment of factual guilt and which do not stand in the way of conviction, if factual guilt is validly established.” (Emphasis added.) *Menna v. New York*, 423 U.S. 61, 62, fn. 2 (1975). The Supreme Court of Ohio relied on that principle in holding that “those constitutional violations which go to the ability of the state to prosecute, regardless of factual guilt, may be raised [sic] on appeal from a guilty plea.” *State v. Wilson*, 58 Ohio St.2d 52, 55 (1979). *See State v. Fitzpatrick*, 2004-Ohio-3167, ¶ 78, quoting *Menna* at 62, fn. 2. Consistent with this reasoning, the Supreme Court of Ohio also has held that “constitutional violations logically inconsistent with establishing factual guilt *are* relevant after a defendant pleads guilty.” (Emphasis in original.) *State v. Swazey*, 2023-Ohio-4627, ¶ 29. The Supreme Court further explained that although *most* appellate issues are waived by a guilty plea because it is a reliable admission of factual guilt, “when a constitutional challenge alleges that the state may not convict the defendant no matter how thoroughly his factual guilt is established, the defendant may bring that challenge despite having pleaded guilty.” *Id.*, citing *Wilson* at 54-55. Thus, “[c]onstitutional violations that go to the ability of the state to prosecute, regardless of factual guilt, may be raised on appeal from a guilty plea.” *Id.*, citing *Wilson* at 55. The Supreme Court of Ohio has recognized that “a juvenile’s right to an amenability hearing, like a juvenile’s right to counsel, is *compelled by federal due process protections*,” in addition to the

2025-Ohio-796, ¶ 13 (5th Dist.). Accordingly, we reject the state's argument that Krouse's guilty plea in adult court waived his right to challenge the juvenile court's amenability determination in this case.

C. The juvenile court's amenability determination

{¶ 23} As explained above, a juvenile court has discretion to transfer a case to adult court for prosecution if it finds that (1) the child was at least 14 years old at the time of the charged act, (2) there is probable cause to believe the child committed the charged act, and (3) the child is not amenable to care or rehabilitation in the juvenile system and the safety of the community may require the child to be subject to adult sanctions. R.C. 2152.12(B)(1) through (3). Krouse does not contest the juvenile court's finding that he was at least 14 years old at the time of the charged acts and that there was probable cause to believe he committed the charged acts. Krouse's appeal only challenges the juvenile court's determination that he was not amenable to rehabilitation in the juvenile system and that the safety of the community required him to be subject to adult sanctions. Accordingly, we limit our review to that issue.

1. Factors in favor of transfer

{¶ 24} The factors to be considered in favor of the transfer of a case to adult court are set forth in R.C. 2152.12(D):

In considering whether to transfer a child under division (B) of this section based on an act charged that would be a felony if committed by an adult, 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.

(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

statute and rule providing for an amenability hearing. (Emphasis added.) *D.W.*, 2012-Ohio-4544, at ¶ 21. The challenge Krouse asserts in this case, arguing the juvenile court erred by transferring his cases to adult court because it erred in finding him not amenable to rehabilitation in the juvenile system, goes to the state's ability to prosecute him in adult court regardless of his factual guilt. Therefore, under the principle set forth in the *Menna* decision and the Supreme Court of Ohio decisions interpreting and applying that principle, Krouse's challenge may be raised on appeal from a guilty plea. See *Swazey* at ¶ 29.

victim.

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

(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.

(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.

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

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

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

{¶ 25} When evaluating these factors in this case, the juvenile court found that R.C. 2152.12(D)(1) applied, specifically citing that the offenses in Case No. 22JU-12624 resulted in T.H.'s death. The juvenile court also found that R.C. 2152.12(D)(3) applied because the evidence indicated that Krouse initiated contact with T.H. and N.H. to arrange marijuana purchases before the robberies. The court further found that R.C. 2152.12(D)(4) applied because Krouse committed the acts as part of a group and it appeared to be organized criminal activity. The court concluded that R.C. 2152.12(D)(6) applied because Krouse had six pending juvenile court cases arising from prior incidents, although the court acknowledged that Krouse was not under court supervision at the time of the incidents because those earlier cases had not been adjudicated. The court found that R.C. 2152.12(D)(7) applied because Krouse previously had participated in multiple

rehabilitation programs although those programs were not court-imposed juvenile sanctions. The court also found that R.C. 2152.12(D)(8) and (D)(9) applied.

2. Factors against transfer

{¶ 26} The factors to be considered against the transfer of a case to adult court are set forth in R.C. 2152.12(E):

(E) In considering whether to transfer a child under division (B) of this section based on an act charged that would be a felony if committed by an adult, 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.
- (2) The child acted under provocation in allegedly committing the act charged.
- (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.
- (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.
- (5) The child previously has not been adjudicated a delinquent child.
- (6) The child is not emotionally, physically, or psychologically mature enough for the transfer.
- (7) The child has a mental illness or intellectual disability.
- (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.

{¶ 27} When evaluating these factors, the juvenile court concluded that R.C. 2152.12(E)(5) applied because although Krouse had pending juvenile court cases, he had not been adjudicated delinquent prior to the incidents giving rise to these cases. The court also concluded that R.C. 2152.12(E)(7) applied, noting there was evidence that Krouse had been diagnosed with attention-deficit hyperactivity disorder and post-traumatic stress

disorder. With respect to R.C. 2152.12(E)(8), the juvenile court acknowledged reports asserting that Krouse was a moderate risk for reoffending but also noted that the severity of Krouse's actions and charges had increased over time.

3. Juvenile court's balancing of transfer factors

{¶ 28} Ultimately, the juvenile court concluded that the factors in favor of transferring the cases to adult court outweighed the factors in favor of retaining the cases in the juvenile court. In reaching this conclusion, the juvenile court specifically cited the serious nature of the offenses and the challenges to treatment noted in the reports.

{¶ 29} Krouse asserts the juvenile court abused its discretion by concluding he was not amenable to rehabilitation in the juvenile justice system because the Alpert report concluded that he could be successfully rehabilitated in the juvenile system. Krouse argues the juvenile court arbitrarily disregarded Dr. Alpert's conclusion about amenability to treatment.

{¶ 30} Because the statutory scheme set forth in R.C. 2152.12 does not dictate how much weight must be afforded to any specific factor, the juvenile court has discretion in how to weigh each factor. *J.L.S.*, 2019-Ohio-4173, at ¶ 23 (10th Dist.); *State v. Morgan*, 2014-Ohio-5661, ¶ 37 (10th Dist.). Consistent with this principle, this court has held that "the juvenile court 'is not bound by expert opinion, and may assign any weight to expert opinion that it deems appropriate.'" *Morgan* at ¶ 37, quoting *State v. West*, 2006-Ohio-3518, ¶ 30 (4th Dist.).

{¶ 31} Krouse asserts the juvenile court arbitrarily disregarded Dr. Alpert's conclusion that he could be successfully rehabilitated in the juvenile system. However, the juvenile court expressly acknowledged Dr. Alpert's conclusion at the amenability hearing. Moreover, although Dr. Alpert ultimately opined that rehabilitation for Krouse within the juvenile system would be effective and successful, she also conceded there were factors suggesting that treatment might not be successful. Notably, Dr. Alpert stated that "the combination of problems that [Krouse] is reporting suggests that treatment is likely to be quite challenging and that the treatment process is likely to be arduous, with many reversals." (Jan. 19, 2024 Amenability Evaluation Report at 48.) There was also other evidence supporting the juvenile court's decision, notwithstanding Dr. Alpert's ultimate conclusion. The sections of the Alpert report and the bindover investigation report

addressing Krouse's mental-health history indicated Krouse was assessed and treated at the Syntero-Dublin Counseling Center in 2015 but only participated in two outpatient counseling sessions after that assessment. Those reports also indicated Krouse had been assessed at Buckeye Ranch in December 2022, shortly after the robberies but before he was arrested. At the amenability hearing, Krouse's mother claimed that Krouse was going to be placed into a treatment program at Buckeye Ranch but was unable to begin the program because he was arrested. One of the competency evaluation reports also indicated that Krouse had been assessed at Nationwide Children's Hospital in May 2022, several months before the robberies, and that supportive psychotherapy had been recommended, but there was no indication Krouse pursued such treatment.

{¶ 32} Contrary to Krouse's assertion, the juvenile court did not disregard Dr. Alpert's conclusion that Krouse could be successfully rehabilitated within the juvenile system. The court weighed the Alpert report, including Dr. Alpert's ultimate conclusion, along with other evidence and reached a different conclusion as to whether Krouse was amenable to rehabilitation. A trial court's disagreement with an expert's conclusion as to amenability does not necessarily constitute an abuse of discretion, particularly where, as in this case, there is other evidence supporting the trial court's conclusion. *See Morgan* at ¶ 37; *State v. Crossley*, 2026-Ohio-3136, ¶ 33 (2d Dist.) (asserting that a juvenile court has discretion to disagree with an expert's opinion regarding amenability).

{¶ 33} Krouse also suggests this case is similar to *Nicholas*, where the Supreme Court of Ohio concluded that the juvenile court abused its discretion by transferring a case to adult court. In *Nicholas*, the evaluating psychologist diagnosed the defendant with dissociative-identity disorder and opined that he was amenable to rehabilitation through the treatment resources available within the juvenile system. *Nicholas*, 2022-Ohio-4276, at ¶ 12. The acting chief of behavioral services for the Ohio Department of Youth Services also testified that there were sufficient resources available to treat a juvenile with dissociative-identity disorder within the juvenile system. *Id.* at ¶ 13. Notwithstanding that testimony, the juvenile court granted a motion to transfer the case to adult court. The juvenile court concluded that the juvenile system could not offer the specific treatment necessary to rehabilitate the defendant or assure public safety because it lacked the specific resources or capability to treat the defendant's dissociative-identity disorder. *Id.* at ¶ 15.

The Supreme Court concluded that the testimony presented at the amenability hearing did not support the juvenile court's conclusion and that the record was devoid of any evidence supporting the juvenile court's conclusion that the juvenile system lacked the resources to treat the defendant. *Id.* at ¶ 43, 49. The Supreme Court concluded that the question of a juvenile's amenability to care and rehabilitation within the juvenile system was a different issue from the question of the services the state has to offer. *Id.* at ¶ 54. The Supreme Court held that the juvenile court abused its discretion in granting the motion to transfer because the juvenile court's conclusion regarding amenability to rehabilitation was based on its perception that the juvenile system lacked sufficient resources to treat the defendant, which was contrary to the evidence contained in the record. *Id.* at ¶ 56.

{¶ 34} Unlike *Nicholas*, the juvenile court's amenability determination in this case was not based on a perceived lack of resources within the juvenile system. Rather, the court cited several key factors, including the serious nature of the offenses, the increasing severity of Krouse's actions and charges over time, and the challenges to effective treatment noted in the various reports. The juvenile court did not find that the juvenile system lacked the treatment options recommended in the Alpert report; instead, it concluded that Krouse was not amenable to rehabilitation within the juvenile system. This is precisely the analysis that the Supreme Court called for in *Nicholas*. *See id.* at ¶ 54 (Emphasis in original.) ("The question of a juvenile's amenability to care and rehabilitation in the juvenile system is one of *the juvenile's* rehabilitative potential, and it is separate from the question of the services the state has to offer or the services a juvenile-court judge *perceives* the state has to offer.").

{¶ 35} In this case, the juvenile court complied with all the statutory requirements for discretionary transfer. The court considered the statutory factors in favor of and against transferring the cases and indicated on the record the factors that it found to be applicable. The record supports the court's conclusion that the factors in favor of transfer outweighed the factors against transfer. Based on our review of the record and the juvenile court's decision, we cannot conclude that the juvenile court abused its discretion in determining that Krouse was not amenable to rehabilitation in the juvenile system.

{¶ 36} Accordingly, we overrule Krouse's sole assignment of error.

IV. Conclusion

{¶ 37} For the foregoing reasons, we overrule Krouse’s sole assignment of error and affirm the judgment of the Franklin County Court of Common Pleas.

Judgment affirmed.

BOGGS, P.J., and JAMISON, J., concur.
