

IN THE COURT OF APPEALS OF OHIO
SIXTH APPELLATE DISTRICT
LUCAS COUNTY

State of Ohio

Court of Appeals No. L-25-00240

Appellee

Trial Court No. CR02024-02520

v.

Leveire Barnes

DECISION AND JUDGMENT

Appellant

Decided: September 11, 2026

* * * * *

Julia R. Bates, Prosecuting Attorney, and
Randy L. Meyer, Assistant Prosecuting Attorney, for appellee.

Joseph Sobecki, for appellant.

* * * * *

DUHART, J.

{¶ 1} Appellant, Leveire Barnes, appeals from the judgment of the Lucas County Court of Common Pleas convicting him of the offenses of involuntary manslaughter, felonious assault, and discharge of firearm on or near prohibited premises. For the reasons that follow, the trial court’s judgment is affirmed and the matter is remanded to the trial court with instructions to issue a nunc pro tunc entry correcting the miscalculation of the total stated prison term.

I. Background and Facts

{¶ 2} Barnes’s conviction in this case arose from the shooting death of the primary victim (“P.V.”), who was shot and killed the day after his fourteenth birthday on September 18, 2023. Barnes, who was himself 14 years old at the time, was charged in the Lucas County Court of Common Pleas, Juvenile Division, with complaints alleging murder in violation of R.C. 2903.02(A), an unclassified felony if committed by an adult; murder in violation of R.C. 2903.02(B), and unclassified felony if committed by an adult; three allegations of felonious assault in violation of R.C. 2903.11, all second-degree felonies if committed by an adult; and discharge of firearm on or near prohibited premises in violation of R.C. 2923.162(3) (over a public road or highway), a first-degree felony if committed by an adult. Each of the complaints included a specification under R.C. 2941.145 alleging that Barnes had a firearm on or about his person while committing the offense and used it to facilitate the offense.

A. Juvenile court proceedings

1. Probable cause hearing

{¶ 3} On January 11, 2024, the State moved under R.C. 2152.10(B) and 2152.12(B) to have Barnes’s case transferred to the General Division of the Lucas County Court of Common Pleas (“trial court”). On April 11, 2024, the juvenile court held a hearing to determine if there was probable cause to believe that Barnes had committed the charged offenses. The State presented the testimony of Toledo Police Department Detective Matthew Kozlaker.

{¶ 4} Kozlaker testified that he was on call on the evening of September 18, 2023, when he received a report of a shooting homicide in the 1400 block of West Sylvania Avenue. He was informed that there were two witnesses to interview, who were present when the shooting occurred: P.V.'s brother C.E. and another boy, then twelve-year-old J.G.

{¶ 5} C.E. told police that on the day in question, he had met up with P.V. and J.G. at the West Toledo Branch Library on Sylvania Avenue, where a bunch of kids were hanging out. He stated that he, P.V., and J.G. then went to get food at a restaurant across the street from the library and, from there, they stopped at a nearby carryout. C.E. stated that shortly after they left the carryout, a black male teenager, with "twists" in his hair and wearing tan cargo pants, a red sweatshirt, and a black face mask or hood, popped out from the side of a nearby building, pulled a black 1917 Glock firearm out of his pocket, and began shooting. C.E. stated that he, P.V., and J.G. began running in different directions.

{¶ 6} J.G. also told police that he saw the shooter pop out from the side of the building, but he was unable to give a description. When the shooting occurred, J.G. ran back to the carryout and went inside. J.G. told police that there had been no issues or problems with anyone at the library that day.

{¶ 7} An autopsy of P.V. revealed that he was struck once by a bullet in the right upper-back. The bullet went into P.V.'s lung and then traveled up and into his trachea and carotid artery before exiting.

{¶ 8} Surveillance video revealed a person in the area of the library who matched the description given by C.E. That person was in the company of another person who had on red pants with white stripes and a gray hooded sweatshirt. Additional surveillance video showed the two individuals as they approached the building where C.E. and J.G. saw the shooter come into view and then showed them running from the scene.

{¶ 9} Surveillance video also showed P.V., after he was shot, climbing through the open passenger window of a white Pontiac Vibe vehicle that was parked next to the carryout, exiting the vehicle, and finally collapsing about 15 or 20 feet away.

{¶ 10} A Crime Stopper tip from a child at Longfellow Elementary School (“Z.D.”) identified Barnes as the shooter in this case. The principal of the same school told police about a fight at a bus stop between Barnes and a boy named J.R. J.R. and P.V. were best friends. J.R. told police that he was at the library on the day in question and that there were two people there who were not in his group. One of the two people he described fit the description of the shooter. J.R.’s mother told police that she had heard J.R. on the phone with Z.D. Z.D. said he had seen Barnes on the day in question and that Barnes had been wearing tan pants, a black shirt, and a ski mask.

{¶ 11} A second Crime Stopper tip was from a person who stated that she had heard Barnes’s father bragging about Barnes having been the shooter of P.V. In addition, this person identified Barnes’s companion during the shooting as Barnes’s then 23-year-old cousin William Barnes.

{¶ 12} Juvenile witness, T.L., testified to having seen a person wearing a ski mask, tan pants, and “red,” pop out from behind a building and start shooting. According to T.L., just prior to the shooting, he had seen Barnes talking to Z.D.

{¶ 13} Still another juvenile witness, E.B., told police that Barnes called him about 30 minutes after the shooting and said to him, “How you feel? I smoked your brother,” referring to P.V.

{¶ 14} Kozlaker testified that on October 20, 2023, approximately one month after the shooting, three juveniles were caught in a stolen vehicle. One of those juveniles, D.L., told police that he and his friends had been picked up in the Old West End area by Barnes. Barnes reportedly told the group when he picked them up that he had stolen the car from a school in the downtown area. The car, which belonged to a teacher, had, in fact, been stolen from the Toledo School for the Arts. D.L. told police that Barnes had said he was on the run and that Barnes was essentially bragging about the shooting when they drove by P.V.’s memorial in West Toledo. According to D.L., Barnes said, referring to P.V., “Dude tried to start with me and got a head shot.”

{¶ 15} Barnes himself admitted to police that he knew P.V. from Longfellow Elementary School. In addition, Barnes told police that he was “on the run” as a result of the shooting in this case. After initially telling police a different story about his whereabouts on the day in question, he eventually admitted to being in the area of the shooting and having heard gun shots. After being shown pictures of himself that were taken from surveillance video, Barnes indicated the path he had run following the

shooting. Barnes also indicated to police that he knew J.R. and that J.R. was a friend of P.V., but Barnes never admitted to having problems with P.V.

{¶ 16} The juvenile court, after hearing Kozlaker’s testimony, made a finding that the State had provided sufficient and credible evidence to make a determination of probable cause. The juvenile court then ordered, pursuant to R.C. 2152.12(C), that an investigation, including social history, physical examination and mental examination of Barnes be conducted and made available to the parties for the upcoming amenability hearing.

2. Amenability Hearing

{¶ 17} On August 12, 2024, the juvenile court held a hearing to determine if Barnes was amenable to care or rehabilitation in the juvenile system, and if the safety of the community required that Barnes be subject to adult sanctions, as required by R.C. 2152.12(B). At the hearing, the State presented the testimony of psychologist Dr. Daniel Marston, together with his June 25, 2024 report, as well as the March 11, 2024 Ohio Youth Assessment System (“OYAS”) report prepared by probation officer Iris Wright.

{¶ 18} Marston testified that he evaluated Barnes on May 31, 2024, for the purpose of determining whether Barnes’s case should be kept in the juvenile court or transferred to the trial court. As a result of his evaluation, Marston found there to be “some emotional deficiencies with regard to family attachment” and “very strong attachment to family members.” Marston opined that family relationships impacted Barnes’s decision making and that Barnes was “emotionally caught between wanting to

do what was right for his family and wanting to do right for himself and for society.”

Barnes told Marston that his family was “well known in the streets” and “well known for engaging in criminal activities.”

{¶ 19} Marston stated that it was his opinion that Barnes should not be transferred to the trial court and, instead, “should receive intensive psychotherapy with a focus on helping him to develop a more psychological[ly] healthy way of separating from his family while still having a healthy level of attachment to them,” and “should receive intensive therapy with a focus on handling anger and emotional distress more effectively.” According to Marston, there was “a very good possibility” that such intensive therapy could be completed in the time period before Barnes’s emancipation into adulthood.

{¶ 20} Marston agreed with defense counsel that Barnes was not “mature enough” to be transferred to the trial court.

{¶ 21} On cross-examination, Marston admitted that he had reviewed Iris Wright’s OYAS report and that her report had indicated that Barnes was at a high risk for recidivism. He also acknowledged Wright’s report that Barnes did not attend counseling even when ordered to do so and that therapy is only effective when someone actually participates.

{¶ 22} Marston acknowledged in his report that Barnes had recently been placed on “administrative removal” at the Lucas County Juvenile Detention Center (“LCJDC”) “because of a fight.” He further acknowledged that Barnes had previously been detained at the LCJDC about a year earlier. Marston reported that “[r]egarding [Barnes’s] most

recent detainment for the immediate offenses, he has been in several fights and caught with contraband.”

{¶ 23} Stating that it was his professional opinion that Barnes was ineligible for transfer to the adult jurisdiction and could be rehabilitated within the juvenile jurisdiction, Marston reported the following as the reasons underlying his decision:

- 1) [Barnes] does not currently have a serious mental illness.... He has problems with anxiety and emotion regulation, but none of these reach the level of severity associated with disorders that would cause a person to lose contact with reality or lose control over their emotional responses.... When facing difficult situations, he often loses sight of what he knows to be right because he assigns more importance to standing up for people he cares about....
- 2) There is no indication that [Barnes] presents with a serious ‘incurable’ personality disorder.... He demonstrated understanding for why he must avoid criminal behaviors and appeared to be straightforward about his desire to do so.... He also showed evidence of difficulties related to balancing his deep emotional connection and concern about people he considers family with his desire for staying away from the criminal behaviors many in his family endorse with their behaviors. Based on this, [Barnes] is likely to be responsive to counseling/psychotherapy....
- 3) The Disposition Instrument Report noted that [Barnes] has a high level (about 60%) of risk for recidivism. This is a cause for concern; however, the areas where he scored highest are ones that could be addressed in counseling/psychotherapy (i.e., addressing negative thinking patterns and difficulties, and making appropriate decisions about how to balance his love and concern for family with staying away from criminal behaviors)....
- 4) [Barnes] showed recognition of the need to receive counseling/psychotherapy and mental health treatment. This is significant, as he also showed recognition for being easily influenced by family and making poor decisions about how to handle emotional distress, which he believed likely contributed to the situation associated with the immediate offenses in the months leading up to it.

{¶ 24} Iris Wright reported in the OYAS report that Barnes had last been expelled from Navarre Elementary School during the 2022-2023 school year for spitting on the assistant principal and for threatening kids. Although he was linked with mental health services, Barnes was not attending appointments consistently. Wright noted that in a previous OYAS report, Barnes had admitted to her that his family, including his father, siblings, and cousins are gang-involved. She also noted his 60% risk of recidivism score.

{¶ 25} Barnes's school records reveal a multitude of suspensions resulting from physical altercations, threats and intimidation, bullying, and failure to follow instructions.

{¶ 26} Barnes's prior juvenile record included a previous commitment to LCJDC in September 2022 after Barnes was adjudicated delinquent in connection with counts for burglary, grand theft auto, and discharge of a firearm at or into a habitation. On the day of the shooting, Barnes was on juvenile probation and had two show cause motions pending for probation violations.

{¶ 27} The juvenile court, after hearing the testimony and reviewing the evidence at the amenability hearing, determined that Barnes's case should be transferred to the trial court. Specifically, the juvenile court stated:

This Court has had the opportunity to consider all relevant and admissible evidence in determining whether to grant the State of Ohio's request to have these matters transferred to the adult division of the Court of Common Pleas. This court finds that [Barnes] is not amenable to the care and rehabilitation within the juvenile justice system, and that the safety of the community requires that he be subjected to adult sanctions. I've weighed the factors of section (D) of 2152.12 and other relevant factors in favor of transfer against those factors in section (E) of 2152.12 and other relevant factors.

Specifically factors in favor of transfer in section (D), the Court considered Sections 1, 2, 3, 5, 6, 8 and 9 and other relevant factors, including facts that were laid out during the probable cause hearing, demonstrating [Barnes's] behavior that caused the death of this victim. The fact that [Barnes] continues to engage in unsafe behavior involving guns, has been affiliated with a gang, had significant issues with school, including a large number of suspensions and expulsions and behavior at school, including fighting and failure to follow instructions that [led] to a number of those suspensions and expulsions.

According to Dr. Marston of the Court Diagnostic and Treatment Center, [Barnes] could benefit from rehabilitative services in the juvenile system. And this Court did consider those factors against transfer, specifically Section (6) of 2152.12(E). And I took into account Dr. Marston's report of the diagnosis of anxiety, but I would note and I read from Dr. Marston's report when he says, 'When facing difficult situations, [Barnes] often loses sight of what he knows could be right because he assigns more importance to standing up for people he cares about.'

Accordingly, I find the State's motion for transfer is well taken and I hereby grant the same. This Court relinquishes jurisdiction over this matter and transfers the case to Lucas County Court of Common Pleas, General Division for further proceedings consistent with this decision.

3. Trial court proceedings

{¶ 28} Following the juvenile court's transfer of jurisdiction, Barnes was charged in a seven-count indictment, with Count 1 charging him with aggravated murder in violation of R.C. 2903.01(A) and R.C. 2929.02(A), an unclassified felony. Count 2 charged him with murder in violation of R.C. 2903.02(A), R.C. 2903.02(D) and R.C. 2929.02(B), and Count 3 charged him with murder in violation of R.C. 2903.02(B), R.C. 2903.02(D), and R.C. 2929.02(B), both unclassified felonies. Counts 4 through 6 charged Barnes with felonious assault in violation of R.C. 2903.11(A)(2) and R.C. 2903.11(D)(1)(a), all felonies of the second degree. And Count 7 charged him with discharge of firearm on or near prohibited premises in violation of R.C. 2923.162(A)(3)

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and R.C. 2923.162(C)(4), a felony of the first degree. All of the charges included a firearm specification under R.C. 2941.145.

{¶ 29} Barnes eventually entered a guilty plea to the offenses of the lesser included offense in Count 2 of Involuntary manslaughter, a felony of the first degree, in violation of R.C. 2903.04(A) and (C); Count 4, felonious assault, as charged, with the attached firearm specification; and Count 7 discharge of firearm on or near prohibited premises, as charged, with the attached firearm specification.

{¶ 30} The trial court imposed a prison term of 11 to 16.5 years as to Count 2; a prison term of 8 to 12 years as to Count 4; and a prison term of 11 to 16.5 years as to Count 7. The terms imposed in Counts 2 and 4 were ordered to be served consecutively to one another, but concurrently with the term imposed in Count 7. In addition, the trial court imposed mandatory and consecutive terms of three years each for the firearm specifications attached to Counts 4 and 7.¹

Assignments of Error

{¶ 31} On appeal, Barnes asserts the following assignments of error:

- I. The juvenile court erred by failing to provide sufficient detail for its decision to transfer the case to adult court for prosecution.
- II. The juvenile court abused its discretion by granting the State's motion to transfer.

Law and Analysis

¹ We note that although the trial court judgment entry states that the "total stated prison term is 25-30.5 years," the aggregate prison term as imposed is in fact 25-34.5 years.

{¶ 32} Barnes argues in his first assignment of error that the juvenile court erred by failing to provide sufficient detail in support of its decision to transfer the case to the trial court. And he argues in his second assignment of error that the juvenile court abused its discretion by granting the State’s motion to transfer. Because the two assignments of error involve overlapping issues, they will be discussed together in this analysis.

{¶ 33} “The juvenile court has exclusive subject matter jurisdiction over the case of a child who is alleged to be delinquent because he committed acts that would be considered crimes if they were committed by an adult.” *State v. Cunningham*, 2022-Ohio-3497, ¶ 53 (6th Dist.), citing *State v. Wilson*, 73 Ohio St.3d 40, 43-44 (1995); R.C. 2151.23(A)(1). In certain cases, however, the juvenile court can transfer jurisdiction over a child’s case to adult court for criminal prosecution. *See* R.C. 2152.10 and R.C. 2152.12.

{¶ 34} Because Barnes was under 16 when the acts alleged in the case occurred, and the acts alleged in the complaints would be felonies if committed by an adult, he was eligible for discretionary transfer, and for transfer of his case, to the trial court. *See* R.C. 2152.10(B). “To make a discretionary transfer, the juvenile court is required to make three findings: ‘(1) [t]he child was fourteen years of age or older at the time of the act charged[;] (2) [t]here is probable cause to believe that the child committed the act charged[; and] (3) [t]he child is not amenable to care or rehabilitation within the juvenile system, and the safety of the community may require that the child be subject to adult sanctions.’” *Cunningham* at ¶ 54, citing R.C. 2152.12(B)(1)-(3). In addition, the juvenile court is required 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

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juvenile rehabilitation, including a mental examination of the child....” *Id.*, citing R.C. 2152.12(C).

{¶ 35} “To establish probable cause to believe that a juvenile committed an offense, the state must present ‘credible evidence that “raises more than a mere suspicion of guilt, but need not provide evidence proving guilt beyond a reasonable doubt.”’” *Id.* at ¶ 55, quoting *In re D.M.*, 2014-Ohio-3628, ¶10, quoting *State v. Iacona*, 93 Ohio St.3d 83, 93 (2001). Barnes does not dispute the juvenile court’s finding of probable cause that Barnes probably committed the charged offenses.

{¶ 36} After finding probable cause, the juvenile court must determine whether the child is amenable to care or rehabilitation in the juvenile system and whether the safety of the community may require the child to face adult sanctions. *Id.* at ¶ 57; R.C. 2152.12(B)(3). To make this determination, the juvenile court is required to determine whether the factors in R.C. 2152.12(D) in favor of transferring jurisdiction “outweigh” the factors in R.C. 2152(E) in favor of retaining jurisdiction. *Id.*

The R.C. 2152.12(D) factors in favor of transfer are:

- (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 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.

The R.C. 2152.12(E) factors in favor of retaining jurisdiction are:

(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.

{¶ 37} “When weighing these and other relevant factors, the juvenile court has wide latitude in determining whether it should retain or relinquish jurisdiction over a juvenile, and its decision will not be reversed absent an abuse of discretion.”

Cunningham at ¶ 58, citing *In re D.M.*, 2017-Ohio-8768, ¶ 35 (6th Dist.). (Additional citation omitted.) “The juvenile court’s wide latitude to determine whether to retain or relinquish jurisdiction over a child’s case means that the court also has the discretion to decide how much weight to give each factor in R.C. 2152.12 (D) and (E). *Cunningham* at ¶ 100, citing *In re M.A.*, 2019-Ohio-839, ¶ 33 (12th Dist.). (Additional citations omitted.) “An appellant’s disagreement with the way the juvenile court weighed the factors is not a reason to reverse the court’s decision.” *Id.*, citing *State v. Ramsden*, 2021-Ohio-3071, ¶ 23.

{¶ 38} As long as (1) the court considers the appropriate statutory factors and (2) there is some rational basis in the record to support the court’s findings when applying those factors, a juvenile court’s decision to retain or relinquish jurisdiction will be upheld on appeal. *Cunningham* at ¶ 58, citing *D.M.*, 2017-Ohio-8768, ¶ 35 (6th Dist.). (Additional citations omitted.)

{¶ 39} On appeal, Barnes asks this court to abandon the standard articulated by this court in *D.M.* and *Cunningham* in favor of a standard that requires a juvenile court to set forth a great deal of specificity in its determinations. This we will not, and need not,

do. Although Barnes cites *State v. Nicholas*, 2022-Ohio-4276, as demonstrating why “an amenability finding must contain a moderate to high level of specifics laying out the reasons for the juvenile court’s decision,” we note, without going into the specifics of that otherwise inapplicable case, that the court based its decision on a determination that the juvenile court’s findings were not supported by evidence in the record. Because the record in the current case “allows us to conduct a meaningful review of the juvenile court’s decision,” we find that Barnes’s argument regarding the alleged deficiency of juvenile court’s findings lacks merit. *See Cunningham* at ¶ 105 (appellant’s argument regarding the specificity of the juvenile court’s findings was dismissed as meritless where the record allowed the court to conduct a meaningful review).

{¶ 40} The record in this case reveals both that the juvenile court considered the appropriate statutory factors and that there is some rational basis to support the juvenile court’s findings when applying those factors. The factors set forth in R.C. 2152.12(D) and (E) establish, at a minimum, a rational basis for the juvenile court’s amenability determination.

{¶ 41} For example, Barnes’s attack resulted in the death of P.V. *See* R.C. 2152.12(D)(1). The death of P.V. was exacerbated by the fact that P.V. was barely 14 years old at the time he was killed. *See* R.C. 2152.12(D)(2). The record suggests that Barnes shot P.V. because he was a close friend of another teenager, J.R., with whom Barnes had gotten into a physical altercation. *See* R.C. 2152.12(D)(3). Iris Wright’s OYAS report suggests that Barnes’s family are gang involved. *See* R.C. 2152.12(D)(4). P.V. died from a gunshot wound inflicted by Barnes. *See* R.C. 2152.12(D)(5). On the day

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of the shooting, Barnes was on juvenile probation and had two show cause motions pending for probation violations. *See* R.C. 2152.12(D)(6). Although Dr. Marston was of the opinion that Barnes could be rehabilitated in the juvenile system, this opinion was based on the assumption that this time, unlike on previous occasions, Barnes would attend therapy and counseling. *See* R.C. 2152.12(D)(7). And although Dr. Marston was of the opinion that Barnes was immature for his age, Marston recognized that Barnes was able to distinguish between following his family's wishes, on the one hand, and hurting himself and others when following those wishes, on the other. In addition, Barnes's past history of serious crime gave him a history of delinquency in the juvenile system that tended to belie any finding of emotional immaturity. *See* R.C. 2152.12(D)(8). The record is clear and uncontroverted that Barnes failed to comply with previous orders to attend therapy and counseling, allowing for the conclusion that he may not be amenable to rehabilitation in the juvenile system. The record contains only Dr. Marston's unsubstantiated opinion that Barnes would suddenly change and begin to attend counseling in the future. *See* R.C. 2152.12(D)(9).

{¶ 42} Looking to the factors set forth at R.C. 2152.12(E), we note there is nothing in the record to indicate that P.V. facilitated his murder. P.V. and his companions had been at the library and then gone to a store for snacks before Barnes ambushed them on West Sylvania Avenue. *See* R.C. 2152.12(E)(1). Likewise, the record contains no indication that any of the victims provoked Barnes. Rather, Barnes stalked and ambushed the victims. *See* R.C. 2152.12(E)(2). Although another individual was with Barnes during the shooting, the record contains no evidence to suggest that the other individual was

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actually involved in the shooting. *See* R.C. 2152.12(E)(3). Barnes had knowledge of firearms and reasonable cause to believe that death could occur upon pointing a gun at someone and firing. *See* R.C. 2152.12(E)(4). At the time of the shooting, Barnes was on juvenile probation for grand theft auto, attempted burglary, and discharge of a firearm. *See* R.C. 2152.12(E)(5). Although Dr. Marston testified to Barnes's immaturity, Dr. Marston's report indicates that Barnes was introspective with regard to his feelings and understood, and understands, the nature and consequences of his actions. *See* R.C. 2152.12(E)(6). Dr. Marston testified that Barnes currently does not have a serious mental illness. *See* R.C. 2152.12(E)(7). Finally, the juvenile court expressly found that Barnes would be a threat to the community if he were to remain in the juvenile system. Regarding this finding, the record is replete with facts establishing that Barnes would be an unsafe threat to the public if he were to remain under the jurisdiction of the juvenile court. The evidence shows that Barnes used a firearm to kill a 14-year-old victim he barely knew, bragged about having done so, and, further, called E.B. to taunt him about the killing by saying, "How you feel? I smoked your brother." *See* R.C. 2152.12(E)(8).

{¶ 43} To the extent that Barnes argues that the juvenile court "abused its discretion by overruling a medical professional to find that [Barnes] was mature enough for transfer," we note that "[a]s the trier of fact, it was within the court's discretion to reject the psychologist's recommendation." *State v. Poole*, 2012-Ohio-5739, ¶ 25 (8th Dist.).

{¶ 44} The circumstances of the shooting involved in this case supported the juvenile court's finding that Barnes was not amenable to the care and rehabilitation

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within the juvenile system and that the safety of the community required that Barnes be held beyond his 21st birthday. Accordingly, Barnes’s first and second assignments of error are found not well-taken.

Conclusion

{¶ 45} The judgment of the Lucas County Court of Common Pleas is affirmed. The matter is remanded to the trial court for a nunc pro tunc entry correcting the total stated prison term from “25 to 30.5 years” to “25 to 34.5 years.” Appellant is ordered to pay the costs of appeal pursuant to App.R. 24.

Judgment affirmed and remanded.

A certified copy of this entry shall constitute the mandate pursuant to App.R. 27. *See also* 6th Dist.Loc.App.R. 4.

Christine E. Mayle, J

JUDGE

Myron C. Duhart, J

JUDGE

Charles Sulek, J

CONCUR.

JUDGE

This decision is subject to further editing by the Supreme Court of Ohio’s Reporter of Decisions. Parties interested in viewing the final reported version are advised to visit the Ohio Supreme Court’s web site at:
<http://www.supremecourt.ohio.gov/ROD/docs/>.