

COURT OF APPEALS OF OHIO

**EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA**

STATE OF OHIO,	:	
	:	
Plaintiff-Appellee,	:	No. 115632
	:	
v.	:	
	:	
TREMAYNE DAVIS,	:	
	:	
Defendant-Appellant.	:	

JOURNAL ENTRY AND OPINION

JUDGMENT: AFFIRMED
RELEASED AND JOURNALIZED: August 27, 2026

Criminal Appeal from the Cuyahoga County Court of Common Pleas
Case No. CR-24-696461-A

Appearances:

Michael C. O'Malley, Cuyahoga County Prosecuting Attorney, and Adrienne Linnick, Assistant Prosecuting Attorney, *for appellee*.

Cullen Sweeney, Cuyahoga County Public Defender, and Britta Barthol, Assistant Public Defender, *for appellant*.

MICHAEL JOHN RYAN, J.:

{¶ 1} Defendant-appellant Tremayne Davis appeals the juvenile court's decision to bind him over to the general division. For the reasons that follow, we affirm.

{¶ 2} Davis was involved in the shooting death of a female victim, who was shot while sleeping at her home. Appellant was one of five people involved and was 15 years old at the time of shooting.

{¶ 3} Just prior to the shooting, a stolen Hyundai Sonata was caught on camera stopping in the middle of the street directly in front of the female victim's home. Four individuals, including appellant, exited the vehicle and began firing multiple rounds into the house. They then fled from the scene.

{¶ 4} The female victim was struck in her arm and torso and died from her injuries. Her fiancé, who was asleep next to her, was grazed in the head by a bullet. Three other family members were also inside the home, but were uninjured.

{¶ 5} Using evidence, including house surveillance video, Flock and Realtime cameras, and data from appellant's cell phone, police determined that appellant was one of the shooters and he was subsequently arrested. Two other juveniles, who were bound over to the general division and convicted, have also appealed: *State v. Ayers-Moore*, 8th Dist. No. 115652, and *State v. Conner*, 8th Dist. No. 115631.

{¶ 6} The State filed an 11-count complaint in juvenile court alleging that appellant was a delinquent child for committing the following offenses: Count 1, aggravated murder; Count 2, murder; Count 3, improperly discharging a firearm at or into a habitation; Counts 4 through 9, felonious assault; Count 10, improperly handling firearms in a motor vehicle; and Count 11, receiving stolen property. Counts 1 through 9 contained one- and three-year firearm specifications. Count 11 contained a one-year firearm specification.

{¶ 7} The State moved for an order to relinquish jurisdiction pursuant to R.C. 2152.10(B). The matter proceeded to a probable cause hearing, and the juvenile court found that there was probable cause that appellant had committed the offenses for which he was charged.

{¶ 8} Appellant was referred to the court diagnostic clinic in preparation for an amenability hearing. Dr. Lynn Williams (“Dr. Williams”) conducted appellant’s psychological evaluation. Dr. Williams evaluated appellant’s relevant family history, developmental and social history, academic performance, employment history, medical history, mental health, substance use, criminal history, intellectual functioning, and mental status. Dr. Williams summarized her findings in three key transfer factors and found that appellant’s risk for violence was “moderate,” his sophistication maturity was “high,” and his treatment availability was “middle.”

{¶ 9} The juvenile court held an amenability hearing and determined that appellant was not amenable to rehabilitation in the juvenile system. The court transferred the case to the general division for further proceedings.

{¶ 10} A grand jury indicted appellant on the same charges and specifications as those contained in the original delinquency complaint. Appellant appeared in court and entered pleas of guilty to an amended complaint: amended Count 1, involuntary manslaughter; Count 3, improperly discharging a firearm at or into a habitation; Count 4, felonious assault (naming each victim); Count 10, improperly handling firearms in a motor vehicle; and Count 11, receiving stolen property. The remaining counts as well as all specifications were nolle.

{¶ 11} Appellant agreed to a recommended prison term of 18 to 25 years, with no early release. On a subsequent date, the court sentenced appellant to a total of 18 years in prison.

{¶ 12} This appeal followed.

{¶ 13} As an initial matter, the trial court imposed an aggregate stated minimum term of 18 years, but improperly imposed “maximum terms” independently calculated on each qualifying felony instead of using the calculation formula in R.C. 2929.144:

The court imposes a prison sentence at the Lorain Correctional Institution of 18 year(s). This is an agreed recommended sentence. Defendant is sentenced in count 1 to a minimum of 10 years, a maximum of 15 years, in count 3 to a minimum of 5 years and a maximum of 7.5 years, in count 4 to a minimum of 3 years and a maximum of 4.5 years, in count 10 to 1 year and in count 11 to 1 year. Counts 1, 3, and 4 shall run consecutive to each other. Counts 10 and 11 shall run concurrent.

{¶ 14} The court’s statement creates multiple maximum terms and does not adhere to the statutory calculation for consecutive sentencing under R.C. 2929.14 and 2929.144(B)(2). *See State v. Ayers-Moore*, 2026-Ohio-3114, ¶ 3 (8th Dist.); *State v. Jenkins*, 2025-Ohio-2143, ¶ 43 (8th Dist.) (S. Gallagher, J., concurring in judgment only).

{¶ 15} In this case, the minimum stated term under R.C. 2929.14(A)(2)(a), as jointly recommended by the parties, is 18 years. The maximum term for the qualifying felony offenses, however, should have been 23 years under R.C. 2929.144(B)(2); the maximum term being the aggregate of all consecutively

imposed minimum or definite terms (18 years) plus five years (half of the longest term on the most serious qualifying offense consecutively imposed, which in this case is the ten-year term imposed on the first-degree involuntary manslaughter count). See *Ayers-Moore* at ¶ 4, citing *Jenkins*. “There is only one calculated maximum term for all qualifying felony offenses per case file.” *Ayers-Moore* at *id.*, citing *Jenkins*. The final sentence should have been imposed as follows:

The court imposes a minimum stated term at the Lorain Correctional Institution of 18 year(s). This is an agreed recommended sentence. Defendant is sentenced in Count 1 to a minimum of 10 years, in Count 3 to a minimum of 5 years, in Count 4 to a minimum of 3 years, in Count 10 to 1 year and in Count 11 to 1 year. Counts 1, 3, and 4 shall run consecutive to each other. Counts 10 and 11 shall run concurrent to each other. The maximum term for the qualifying felony offenses is 23 years.¹

{¶ 16} However, neither party appealed appellant’s sentence. Thus, because the sentencing error was not appealed, it remains as imposed. *Ayers-Moore* at ¶ 5. The impact of this is unclear but not relevant to the issues raised in this appeal.

{¶ 17} In his sole assignment of error, appellant argues that the juvenile court abused its discretion in binding him over to the general division when the record lacked sufficient evidence to support a finding of nonamenability.

{¶ 18} Ohio’s juvenile system provides two types of transfer: discretionary and mandatory. *State v. Hanning*, 89 Ohio St.3d 86, 90 (2000). “Discretionary

¹ The maximum term is a single calculation that applies to all qualifying felony offenses, so in addition to this method of imposing the sentence, the trial court could have imposed a non-life indefinite term of ten-23 years on Count 1, five-23 years on Count 3, three-23 years on Count 4, and one year on Count 10, for an aggregate term of 18-23 years for those offenses.

transfer affords juvenile court judges the discretion to transfer to adult court certain juveniles who do not appear to be amenable to care or rehabilitation within the juvenile system or who appear to be a threat to public safety.” *State v. Nicholas*, 2022-Ohio-4276, ¶ 3, citing R.C. 2152.12(B). Before making a discretionary transfer decision, the juvenile court must order an “investigation into the child’s social history, education, family situation, and any other factor bearing on whether child is amenable to juvenile rehabilitation, including a mental health examination of the child by a public or private agency or a person qualified to make the examination.” R.C. 2152.12(C). In determining whether to exercise its discretion to transfer a child to adult court under R.C. 2152.12(B), the juvenile court must consider the statutory factors in R.C. 2152.12(D) in favor of transfer against the statutory factors in R.C. 2152.12(E) against transfer, and the court must indicate on the record the specific factors it weighed in making its determination. R.C. 2152.12(B)(3). In making the amenability determination, the juvenile court must “consider whether the applicable factors . . . indicating that the case should be transferred outweigh the applicable factors . . . indicating that the case should not be transferred.” *Id.*

{¶ 19} The juvenile court’s amenability determination is reviewed for an abuse of discretion. *In re M.P.*, 2010-Ohio-599, ¶ 14. An abuse of discretion occurs when a court exercises “its judgment, in an unwarranted way, in regard to a matter over which it has discretionary authority.” *Johnson v. Abdullah*, 2021-Ohio-3304, ¶ 35.

{¶ 20} In concluding that appellant was not amenable to rehabilitation in the juvenile system, the court found that the following R.C. 2152.12(D) factors weighed in favor of a transfer:

(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.

...

(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 . . . 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.

...

(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. R.C. 2152.12(D).

{¶ 21} The court found that factors pursuant to R.C. 2152.12(D)(3), (4), and (6) did not apply.

{¶ 22} Appellant does not challenge the court's conclusion that R.C. 2152.12(D)(1), (2), and (5) weigh in favor of transfer, and we note that the findings are supported by the record — appellant was alleged to have used a firearm

to shoot multiple times into a home. Five people were in the house at the time of shooting. One victim succumbed to her injuries. Another victim's head was grazed by a bullet. The victims were shot or shot at while sleeping in the supposed safety of their home.

{¶ 23} Appellant argues that the trial court made incorrect findings as to R.C. 2152.12(D)(7), (8), and (9) — that further juvenile services should be available to appellant because he had never been subject to any juvenile justice sanctions; appellant was too immature to be transferred because he suffered from PTSD and had an IQ of 78; and there was sufficient time to rehabilitate appellant in the juvenile system.

{¶ 24} Considering R.C. 2152.12(D)(7), the juvenile court determined the factor weighed in favor of transfer. Appellant contends that this determination was an abuse of discretion because the trial court failed to consider alternative placements within the juvenile system and appellant had not previously been part of the juvenile system.

{¶ 25} The Ohio Supreme Court has held that a juvenile court does not have to consider as part of its amenability process the dispositional options that would be available should the court retain jurisdiction over a child; dispositional statutes apply only after a delinquency adjudication has been made. *Nicholas*, 2022-Ohio-4276, at ¶ 36-37.

{¶ 26} Moreover, even if the trial court did not make the specific finding that the outcome of previous sanctions and programs indicated rehabilitation could not

occur in juvenile court, the statute requires the court to consider the R.C. 2152.12(D) factors; it does not need to find that each of the nine factors applied before it can order transfer. The court's duty is to weigh all relevant factors, and the record indicates that it did.

{¶ 27} Regarding R.C. 2152.12(D)(8) and (D)(9), the State offered evidence from the court's psychological evaluation, which concluded that despite appellant's below average IQ, he did not meet criteria for a diagnosis of intellectual development disorder. The evaluation found that appellant used his "sophistication and maturity in an antisocial way" when shooting at the residence. The evaluation also revealed, and the court noted, appellant's history of chronic absenteeism, failing grades, previous run-ins with police, and overall disengagement with society.

{¶ 28} The court found that there were discrepancies between what appellant reported to the court's psychologist and what he and his mother reported to the court's probation department, which caused difficulty in assessing appellant's diagnosis of PTSD or the family's history of involvement with children's services. Additionally, the court noted that appellant was one month shy of his 16th birthday when he was alleged to have committed the crimes; age 16 being the age that the court would have lost discretion on whether to bind him over to the general division. *See* R.C. 2152.12(A)(1)(a) (stating that the juvenile court shall transfer the case if the child was 16 or 17 years of age "at the time of the act charged that would be aggravated murder . . . and there is probable cause to believe that the child

committed the act charged”). The court concluded that based on the serious nature of the case, appellant should be subject to adult sanctions.

{¶ 29} Specifically, as to R.C. 2151.12(D)(9) and whether there is insufficient time to rehabilitate the child within the juvenile system, this court has noted that “[t]he severity of a crime can be a strong indicator that there remains insufficient time to rehabilitate a child offender in the juvenile justice system.” *State v. Hennings*, 2019-Ohio-4675, ¶ 25 (8th Dist.), citing *Johnson v. Sloan*, 2018-Ohio-2120.

{¶ 30} Finally, as to the R.C. 2152.12(E) factors that weigh against transfer, the court noted on the record that it considered all factors and the only factor that applied was R.C. 2152.12(E)(5) — that appellant had not previously been adjudicated delinquent.²

{¶ 31} Considering the above, the trial court did not abuse its discretion in finding that appellant was not amenable to rehabilitation in the juvenile system.

{¶ 32} Judgment affirmed.

It is ordered that appellee recover from appellant costs herein taxed.

The court finds there were reasonable grounds for this appeal.

It is ordered that a special mandate issue out of this court directing the common pleas court to carry this judgment into execution. The defendant’s

² In its journal entry, the trial court mistakenly stated that it considered all relevant factors and none applied.

conviction having been affirmed, any bail pending appeal is terminated. Case remanded to the trial court for execution of sentence.

A certified copy of this entry shall constitute the mandate pursuant to Rule 27 of the Rules of Appellate Procedure.

MICHAEL JOHN RYAN, JUDGE

LISA B. FORBES, P.J., and
SEAN C. GALLAGHER, J., CONCUR