[Cite as *State v. Davis*, 2026-Ohio-4482.]

COURT OF APPEALS OF OHIO

EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA

STATE OF OHIO,	:	
Plaintiff-Appellee,	:	No. 116140
v.	:	
BRANDON DAVIS,	:	
Defendant-Appellant.	:	

JOURNAL ENTRY AND OPINION

JUDGMENT: AFFIRMED
RELEASED AND JOURNALIZED: November 12, 2026

Criminal Appeal from the Cuyahoga County Court of Common Pleas
Case No. CR-24-694694-A

Appearances:

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

Elizabeth Miller, Ohio Public Defender, and Lauren Hammersmith, Assistant State Public Defender, *for appellant*.

EILEEN T. GALLAGHER, J.:

{¶ 1} Appellant Brandon Davis ("Davis") challenges his convictions arising from the order of the juvenile court transferring his case to adult court. He raises two assignments of error:

> 1. [Davis's] statutory and constitutional rights were violated when he was indicted and convicted on charges that were never transferred to the Cuyahoga County Court of Common Pleas.
>
> 2. The juvenile court committed plain error, erred as a matter of law, and violated due process when it granted the [S]tate's motion for mandatory transfer, based upon proof that [Davis] had committed a category two offense, but only on allegations that he was complicit in the commission of one.

{¶ 2} After a careful review of the record and applicable law, we find that because Davis ultimately pled guilty to the charges, he waived his right to challenge the transfer of his case to adult court. And even if he had not waived the probable-cause issue, there was sufficient evidence to support the juvenile court's determination. We overrule the assignments of error and affirm the judgment of the trial court.

I. Factual and Procedural History

{¶ 3} Davis was charged in a 57-count complaint filed with the juvenile court arising from six robberies that were committed over a course of three days. It was alleged that Davis, who was 16 years old at the time of the robberies, committed the offenses with K.G., who was also a juvenile. K.G. was alleged to be the principal offender in all but one of the robberies. The State asserted that Davis was the principal offender in the remaining robbery.

{¶ 4} Because of Davis's age and the nature of the offense in which he was alleged to be the principal offender, the case was subject to a mandatory transfer to adult court. The juvenile court held a probable-cause hearing where Det. Mark Jelenich ("Det. Jelenich") of the Cleveland Police Department testified regarding his

investigation of the robbery where Davis was alleged to be the principal offender. The incident occurred near Great Lakes Brewing Company in Ohio City ("Great Lakes Brewing Company robbery"). Det. Jelenich testified that a male had called 911 stating that he had been robbed of his vehicle at gunpoint. He reiterated what the victim stated had occurred: "[A] black Sonata pulled up on him. The driver and passenger got out, held him at gunpoint. One of the other males went through his pockets. They took his keys, his wallet, and then they went away from him, proceeded to go get his vehicle, and drive his vehicle out of a parking lot." (Tr. 16.)[1] Det. Jelenich stated that the victim had said that the faces of his assailants had been covered up but he had described what they were wearing. (Tr. 21.)

{¶ 5} Det. Jelenich further stated that he had obtained security footage from Great Lakes Brewing Company that corroborated the statement made by the victim. The video showed a male in a hoodie, whom the detective identified as K.G. Det. Jelenich stated that the other male was later identified as Davis through the investigation and interaction with other detectives and video surveillance of the other robberies at issue in this case. He stated that Davis "matched clothing and height and weight and body type to the male in the video." (Tr. 22.) He further acknowledged that K.G. had identified "B," in subsequent surveillance video whom the detective stated was Davis. In addition, Det. Jelenich testified that one of the

[1] All references to the transcript are from the probable-cause hearing held September 13, 2025.

detectives that had investigated some of the other robberies was also able to identify Davis.

{¶ 6} The State presented exhibit No. 1, slide 4, which was a still image from the Great Lakes Brewing Company surveillance video that showed the victim with a gun pointed at the back of his head. Det. Jelenich stated that he believed the person holding the firearm was Davis. (Tr. 26.) He explained that another video captured later at a gas station depicted a male in a red hoodie, who was K.G., and another male wearing a blue "Super Mario" hoodie. (Tr. 28.) Det. Jelenich maintained that the "Super Mario" logo was visible on the hoodie of the individual holding the firearm in the image and that individual was Davis.

{¶ 7} After the hearing, the juvenile court determined that probable cause existed that Davis had committed the acts alleged in the complaint; the case was then transferred to adult court.[2]

{¶ 8} Following the transfer, Davis pleaded guilty to nine counts, including multiple charges of aggravated robbery, telecommunications fraud, felonious assault, identity fraud, and tampering with evidence. Several of the charges included three-year firearms specifications. He was sentenced to 17 to 19 and a half years in prison. The instant appeal followed.

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[2] K.G.'s case was subject to discretionary transfer and ultimately remained in the juvenile court system.

II. Law and Analysis

{¶ 9} "Under R.C. 2152.12, a juvenile who has committed a qualifying offense and who meets certain age requirements is automatically removed from the jurisdiction of the juvenile division and transferred to adult court." *State v. Aalim*, 2017-Ohio-2956, ¶ 2. "These transfers are referred to as 'mandatory bindovers' because if the statutory conditions are met, the judge *must* transfer jurisdiction." (Emphasis in original.) *In re A.J.S.*, 2008-Ohio-5307, ¶ 1, fn. 1. Moreover, in these situations, "[m]andatory transfer removes discretion from judges in the transfer decision[.]" *State v. Hanning*, 89 Ohio St.3d 86, 90 (2000).

{¶ 10} Pursuant to R.C. 2152.10(A)(2)(b), an alleged delinquent child is eligible for mandatory transfer and "the child's case shall be transferred" as provided in R.C. 2152.12 if "[t]he child is charged with a category two offense," "the child was sixteen years of age or older at the time of the commission of the act charged," and "[t]he child is alleged to have had a firearm on or about the child's person or under the child's control while committing the act charged and to have displayed the firearm, brandished the firearm, indicated possession of the firearm, or used the firearm to facilitate the commission of the act charged."

{¶ 11} Relevant to this matter, Davis was alleged to have committed, inter alia, an act that would be the offense of aggravated robbery if committed by an adult. Aggravated robbery is a category-two offense under R.C. 2152.02(BB)(1), and it was alleged that Davis used a firearm in committing the offense. Thus, pursuant to R.C. 2152.12(A)(1)(b)(i) and 2152.10(A)(2), the juvenile court was required to

transfer the case to adult court if there was probable cause to believe that Davis committed the offense.

{¶ 12} "'[P]robable cause exists when the facts and circumstances are sufficient to provide a reasonable belief that the accused has committed a crime. The inquiry requires the judge to review all the circumstances and make a practical, common-sense decision as to whether probable cause is present.' (Cleaned up.)" *In re E.S.*, 2023-Ohio-4273, ¶ 22, quoting *State v. Martin*, 2022-Ohio-4175, ¶ 17.

{¶ 13} On appeal, Davis contends that there was insufficient evidence presented at the hearing to support the juvenile court's finding that probable cause existed. The State disputes this argument but further argues that Davis pled guilty in adult court and therefore waived his right to challenge the juvenile court's finding of probable cause and resulting order transferring him to adult court. Davis maintains that the issue of probable cause is jurisdictional and that his guilty plea in adult court did not waive any objections to the subject-matter jurisdiction of the court.

{¶ 14} Preliminarily, we will address the issue of waiver following a guilty plea. "A plea of guilty is a complete admission of the defendant's guilt." Crim.R. 11(B)(1). "By entering a guilty plea, a defendant is not simply stating that he or she committed the discrete acts described in the indictment; he or she is admitting guilt of a substantive crime." *State v. Albright*, 2019-Ohio-1998, ¶ 36 (8th Dist.). When a defendant enters a guilty plea in adult court, the defendant admits

committing the acts that constituted the offenses to which he or she pleads guilty and which were the subject of the juvenile court's probable-cause determination.

{¶ 15} "'[A] guilty plea represents a break in the chain of events which has preceded it in the criminal process.'" *State v. Darling*, 2017-Ohio-7603, ¶ 14 (8th Dist.), quoting *Tollett v. Henderson*, 411 U.S. 258, 267 (1973). When a defendant enters a guilty plea, he or she waives all appealable errors that might have occurred unless the errors precluded him or her from entering a knowing, voluntary, and intelligent plea. *See State v. Robinson*, 2020-Ohio-98, ¶ 6 (8th Dist.), citing *State v. Kelley*, 57 Ohio St.3d 127 (1991).

{¶ 16} This court has addressed the effect of a guilty plea on a defendant's right to challenge the determinations made in a bindover proceeding. An appellant's rights following a guilty plea differ depending upon whether the assigned error challenges the juvenile court's probable-cause or amenability finding. *See State v. D.T.*, 2024-Ohio-4482 (8th Dist.), *appeal accepted for review, 01/28/2025 Case Announcements,* 2025-Ohio-231, and *State v. T.S.*, 2024-Ohio-4898 (8th Dist.), *appeal accepted for review, 02/18/2025 Case Announcements*, 2025-Ohio-481 (cause held for decision in *D.T.*) (both cases holding that a guilty plea does not waive a defendant's right to challenge the determination of competency or amenability).[3]

{¶ 17} This court has recently maintained that a guilty plea in adult court waives a challenge to the sufficiency of the evidence in support of a probable-cause

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[3] The Ohio Supreme Court accepted *D.T.* for review on the proposition of whether a voluntary guilty plea in an adult court waives the issues of competency or amenability in juvenile court. *T.S.* was also accepted and is being held for the decision in *D.T.*

determination. *See, e.g., State v. Marbury,* 2026-Ohio-4140, ¶ 39 (8th Dist.) (noting that "probable-cause findings are readily tied to the factual admissions inherent in a guilty plea"); *State v. Moorer*, 2026-Ohio-3877 (8th Dist.); *State v. Henderson*, 2026-Ohio-2315, ¶ 33 (8th Dist.) ("A guilty plea does not waive a defendant's right to challenge his amenability finding in the same way that it waives his right to appeal a juvenile court's probable-cause finding."); *State v. Griffin*, 2026-Ohio-925 (8th Dist.); *State v. Pickens*, 2024-Ohio-951 (8th Dist.). *But see State v. Mays*, 2014-Ohio-3815 (8th Dist.) (addressing a probable-cause challenge following a guilty plea).[4]

{¶ 18} Davis entered a guilty plea, and the effect of that plea is "a complete admission that his conduct constituted the charged offenses, which well surpasses the quantum of evidence inherent to the probable-cause determination." *Pickens* at ¶ 18. ("[A]ppellant's guilty plea effectively concedes there was sufficient evidence of his committing acts that would constitute the felony offenses . . . and as a result, there can be no error with the juvenile court's factual determination."); *State v. Powell*, 2021-Ohio-200, ¶ 55 (4th Dist.) (finding that appellant's argument that the State did not present sufficient evidence of probable cause did not raise a jurisdictional error and that his guilty plea "'quite validly' removed the issue of factual guilt from the case"), quoting *State v. Shafer,* 2018-Ohio-214, ¶ 21 (4th Dist.).

[4] The Ohio Supreme Court has not yet addressed whether a defendant has waived a probable-cause challenge by pleading guilty in adult court.

{¶ 19} Davis, through his guilty plea, admitted to committing the acts of aggravated robbery, telecommunications fraud, felonious assault, identity fraud, and tampering with evidence. These admissions independently established the foundation of the probable-cause determination. Based upon this court's recent precedent, Davis has waived a probable-cause challenge on appeal.

{¶ 20} Even assuming arguendo that Davis's guilty plea had not waived arguments relating to probable cause, there was sufficient evidence to support the juvenile court's probable-cause finding. In his first assignment of error, Davis contends that there was insufficient evidence that he possessed a gun during the Great Lakes Brewing Company robbery because the victim did not testify and the detective only testified that the victim had called 911 and stated that he had been robbed of his vehicle "at gunpoint." Davis's second assignment of error argues that mandatory bindover is prohibited when the juvenile is merely alleged to be complicit in the actions of another.

{¶ 21} As noted above, to establish probable cause in a bindover proceeding, the State must present credible evidence supporting each element of the alleged offenses. *State v. Iacona*, 93 Ohio St.3d 83, 93 (2001). To find probable cause, the court must find "credible evidence that 'raises more than a mere suspicion of guilt'" but does not require evidence of guilt beyond a reasonable doubt. *In re D.M.*, 2014-Ohio-3628, ¶ 10, quoting *Iacona* at *id.* In mandatory-bindover proceedings, the court is considered a gatekeeper rather than an ultimate trier of fact because it is "'charged with evaluating whether sufficient credible evidence exists to warrant

going forward with a prosecution on a charge that the legislature has determined triggers a mandatory transfer of jurisdiction to adult court.'" *In re A.J.S.*, 2008-Ohio-5307, ¶ 46, quoting *In re A.J.S.*, 2007-Ohio-3216, ¶ 22 (10th Dist.). We must "defer to the juvenile court's determinations regarding witness credibility, but we review de novo the legal conclusion whether the [S]tate presented sufficient evidence to demonstrate probable cause to believe that the juvenile committed the acts charged." *Id.* at ¶ 51.

{¶ 22} Davis contends that the State presented evidence about the Great Lakes Brewing Company robbery solely through the investigating detective and that the victim was not called as a witness. Davis maintains that there was no evidence placed into the record regarding any description of the perpetrators.

{¶ 23} The investigating detective testified that Davis had been identified through video-surveillance footage and facial recognition. He stated that it was Davis who had the firearm in his hand based upon the distinctive "Super Mario" design on Davis's hoodie. He further cited statements made by K.G. implicating Davis and noted that Davis was known to another detective who was also investigating the robberies and was able to identify Davis.

{¶ 24} The aforementioned evidence, especially when considered together and viewed in the totality of the circumstances, raises more than a mere suspicion of guilt that Davis was the principal offender in the Great Lakes Brewing Company robbery and held the victim at gunpoint. Accordingly, we find that the State presented sufficient evidence to demonstrate probable cause to believe that the

juvenile committed the acts charged. Regardless of whether the issue was waived or is reviewed on its merits, the trial court did not err in finding that probable cause existed to support the mandatory bindover.

{¶ 25} Both of the assignments of error are overruled, and the judgment of the trial court is 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 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.

EILEEN T. GALLAGHER, JUDGE

MICHELLE J. SHEEHAN, A.J., and
TIMOTHY W. CLARY, J., CONCUR