

IN THE COURT OF APPEALS OF OHIO  
TENTH APPELLATE DISTRICT

State of Ohio, :  
 :  
 Plaintiff-Appellee, :  
 :  
 v. : No. 12AP-353  
 : (C.P.C. No. 11CR-1719)  
 Jaymie Prince, :  
 : (REGULAR CALENDAR)  
 Defendant-Appellant. :

---

D E C I S I O N

Rendered on February 12, 2013

---

*Ron O'Brien*, Prosecuting Attorney, and *Valerie B. Swanson*,  
for appellee.

*Todd W. Barstow*, for appellant.

---

APPEAL from the Franklin County Court of Common Pleas

TYACK, J.

{¶ 1} Jaymie Prince is appealing from the decision of the Franklin County Court of Common Pleas, Division of Domestic Relations, Juvenile Branch, to transfer his criminal case to the Franklin County Court of Common Pleas, General Division, for trial. He assigns a single error for our review:

THE TRIAL COURT ABUSED ITS DISCRETION BY TRANSFERRING JURISDCITION [sic] OF APPELLANT'S CASE TO THE GENERAL DIVISION OF THE COMMON PLEAS COURT.

{¶ 2} Prince was charged via a complaint filed in the Juvenile Branch with a single charge of murder. The state of Ohio filed a motion requesting the juvenile court to relinquish jurisdiction of the case and bind the case over to the General Division. The motion was granted.

{¶ 3} Prince was then indicted on charges including aggravated murder, murder, and felonious assault with firearm specifications. A plea bargain was worked out under the terms of which Prince pled guilty to a charge of voluntary manslaughter with no firearm specification. He received an agreed upon sentence of ten years as a result of his conviction.

{¶ 4} Because Prince was convicted of a lesser charge than murder, he was returned to juvenile court for the court to conduct a hearing on the issue of whether he could be rehabilitated as a juvenile. The juvenile court found he was not amenable to rehabilitation as a juvenile and returned the case to the General Division, which then re-imposed the ten year sentence.

{¶ 5} In deciding whether or not to relinquish jurisdiction, juvenile courts are bound by R.C. 2152.12(D) which reads:

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

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

(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.

{¶ 6} Applying these factors, the victim of the voluntary manslaughter was killed. No more serious harm is possible, short of torture before the killing.

{¶ 7} Prince had a firearm and used it like a club to hit the victim. Prince's friend, Darrick Dawson, also had a firearm and shot the victim in the back.

{¶ 8} At the time of the killing, Prince was on intensive probation as a result of prior adjudications in the juvenile court. Attempts had been made and were being made to help Prince be rehabilitated at the time of the killing.

{¶ 9} Prince was nearing his 19th birthday at the time the juvenile court made its amenability determination. This minimized the time that further rehabilitation efforts could be pursued. Factors (D)(1)(2) and (8) strongly weighed in favor of having Prince treated as an adult.

{¶ 10} The juvenile court was also bound to consider the factors of R.C. 2152.12(E). That statute reads:

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

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

(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 is a mentally retarded person.

(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.

{¶ 11} The only one of the 12(E) factors which applied to Prince's benefit is 12(E)(1). The victim provoked a confrontation with Prince and Prince's friend Dawson. However, the provocation apparently was limited to words and some pushing. Prince and Dawson significantly increased the confrontation by drawing guns and chasing the victim before shooting the victim in the back while the victim was fleeing.

{¶ 12} Prince had a significant juvenile record before the killing and, as noted above, was on intensive probation when the killing occurred.

{¶ 13} The juvenile court was well within its discretion in applying the factors set forth in R.C. 2152.12(D) and (E) to find that Prince should be treated as an adult as a result of his voluntary manslaughter conviction.

{¶ 14} The sole assignment of error is overruled. The judgment of the Franklin County Court of Common Pleas is affirmed.

*Judgment affirmed.*

BROWN and McCORMAC, JJ., concur.

McCORMAC, J., retired, formerly of the Tenth Appellate District, assigned to active duty under the authority of Ohio Constitution, Article IV, Section 6(C).

---