IN THE COURT OF APPEALS
FIRST APPELLATE DISTRICT OF OHIO
HAMILTON COUNTY, OHIO

IN RE: D.H.,	:	APPEAL NOS.	C-250724 C-250725
	:	TRIAL NOS.	25/1217/03 X 25/1217/01 X
	:		
	:		
	:	*JUDGMENT ENTRY*	

MOORE, Judge.

This court sua sponte removes this cause from the regular calendar and places it on the court's accelerated calendar, and this judgment entry is not an opinion of the court. *See* Rep.Op.R. 3.1; App.R. 11.1(E); Loc.R. 11.1.

The State appeals from the Hamilton County Juvenile Court's dismissal of the counts of felony murder and felonious assault against D.H. The State contends that the court erroneously found that the State failed to put forth evidence establishing that D.H. knowingly caused physical harm when he shot and killed R.M.

This appeal was submitted while the Ohio Supreme Court's decision in *State v. Turner*, 2026-Ohio-1996, was pending. That decision has since been released. In *Turner*, the Court held that "once a case is transferred from the juvenile court to the adult court, the adult court has jurisdiction to 'hear and determine the case in the same manner as if the case originally had been commenced in that court,' R.C. 2151.23(H), and that jurisdiction extends to all charges indicted by the grand jury." *Turner* at ¶ 23. The Court further held, based on *State v. Smith*, 2022-Ohio-274, ¶ 28, that a no-

probable-cause finding cannot result in the dismissal of the acts charged since a charge can be dismissed only after an adjudication. *Turner* at ¶ 24. A probable-cause hearing is not an adjudicatory hearing; it is "patently something else." *Id.*; *see In re B.A.T.*, 2023-Ohio-3366, ¶ 24 (8th Dist.); Juv.R. 2; Juv.R. 30. In other words, where charges cannot be dismissed unless there is an adjudication, and a grand jury can indict a juvenile who has been bound over to adult court on all charges and not just the ones where the juvenile court found probable cause, the juvenile court's order in this matter did not constitute a final judgment.

Thus, in this case, the juvenile court's orders dismissing the charges of felony murder and aggravated felonious assault are not final appealable orders under *Turner*. This court, therefore, lacks jurisdiction over this matter.

These appeals are dismissed for lack of final, appealable orders.

The court further orders that (1) a copy of this Judgment constitutes the mandate, (2) the mandate be sent to the trial court for execution under App.R. 27, and (3) costs shall be taxed under App.R. 24.

BOCK, P.J., and **NESTOR, J.,** concur.

To the clerk:

Enter upon the journal of the court on 9/30/2026.

Pursuant to App.R. 30, the clerk is directed to send all parties, or their counsel if represented, a copy of the court's judgment and note such action on the docket.

By: Jennifer A. Hensley
Administrative Judge