

MEMORANDUM DECISION

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ATTORNEY FOR APPELLANT

Maryam Afshar-Stewart
Maryrachel Durso
Stracci Law Group, P.C.
Crown Point, Indiana

ATTORNEYS FOR APPELLEE

Theodore E. Rokita
Attorney General of Indiana
Ellen H. Meilaender
Deputy Attorney General
Indianapolis, Indiana

IN THE COURT OF APPEALS OF INDIANA

Richard Ransom,
Appellant-Defendant,

v.

State of Indiana,
Appellee-Plaintiff.

August 3, 2023

Court of Appeals Case No.
22A-CR-3019

Appeal from the Lake Superior
Court

The Honorable Gina Jones, Judge

Trial Court Cause No.
45G03-2104-F4-75

Memorandum Decision by Judge Kenworthy
Judges Bailey and Tavitas concur.

Kenworthy, Judge.

Case Summary

- [1] A juvenile court waived its jurisdiction over Richard Ransom—who, at that point, was twenty years old—for alleged delinquent conduct committed when Ransom was under the age of eighteen. The State brought criminal charges, which Ransom moved to dismiss, and the criminal court denied Ransom’s motion. Ransom now brings this interlocutory appeal, alleging the criminal court lacked subject-matter jurisdiction because of procedural defects in (1) the juvenile court’s recordkeeping associated with waiver, (2) the State’s initiation of the criminal cause, and (3) the criminal court’s acceptance of jurisdiction. Concluding the criminal court has subject-matter jurisdiction, we affirm.

Facts and Procedural History

- [2] Ransom was born on April 18, 2000. When Ransom was twenty years old, the State filed a delinquency petition alleging Ransom committed delinquent acts “[b]etween January 1, 2015[,] and April 18, 2018,” when Ransom was over the age of fourteen and not yet eighteen years old. *Appellant’s App. Vol. 2* at 117. If committed by an adult, the alleged conduct would constitute Level 4 felony child molesting¹ and Level 6 felony sexual battery.² The State initiated the delinquency proceedings in the juvenile division of the Lake Superior Court.

¹ Ind. Code § 35-42-4-3(b).

² I.C. § 35-42-4-8(a)(1)(A). There was a second allegation that would have been Level 6 felony sexual battery, but that allegation is not the subject of any criminal charge.

- [3] In March 2021, the State asked the juvenile court to waive its jurisdiction, so the State could bring criminal charges against Ransom. The juvenile court held a hearing, and on April 16, 2021—two days before Ransom’s twenty-first birthday—the juvenile court entered an order waiving its jurisdiction. In the written order, the court found probable cause to support the allegations. The court also found the alleged acts were “of a heinous or aggravated nature[.]” *Id.* at 104. In considering whether to waive its jurisdiction, the juvenile court referred to time-related constraints in the case at hand, in that a juvenile court lacks the statutory authority to offer rehabilitative services to individuals once they turn twenty-one years old. Pointing out Ransom was nearly twenty-one years old, the juvenile court ultimately decided to waive its jurisdiction, finding there was no available dispositional alternative “reasonably calculated to effect rehabilitation” of Ransom while ensuring the safety of the public. *Id.*
- [4] On April 20, 2021—at which point Ransom was twenty-one—the State filed criminal charges. Ransom sought a discretionary interlocutory appeal of the waiver order, but this Court declined to accept jurisdiction over the appeal.
- [5] In the criminal court, Ransom moved to dismiss the charges, alleging procedural irregularities resulted in a lack of subject-matter jurisdiction. The criminal court denied the motion to dismiss. Ransom then perfected this discretionary interlocutory appeal pursuant to Indiana Appellate Rule 14(B).

Discussion and Decision

- [6] Ransom re-asserts two grounds raised in his motion to dismiss, focusing on whether the criminal court was deprived of subject-matter jurisdiction due to (1) purportedly deficient recordkeeping at the juvenile court (a claim premised on a list of waiver-related documents identified in a 1975 appellate case) and (2) the State’s alleged failure to file the waiver order when the State initiated criminal charges. Ransom also asserts a new ground, which is that the criminal court lacks subject-matter jurisdiction because it did not properly accept jurisdiction.
- [7] Subject-matter jurisdiction “refers to a court’s constitutional or statutory power to hear and adjudicate a certain type of case.” *D.P. v. State*, 151 N.E.3d 1210, 1213 (Ind. 2020). Whenever a court lacks subject-matter jurisdiction, “any judgment it enters is void.” *Id.* In criminal proceedings, “[a] motion to dismiss based upon lack of jurisdiction over the subject matter may be made at any time.” I.C. § 35-34-1-4(b). Moreover, in general, “[l]ack of subject[-]matter jurisdiction may be raised as reversible error for the first time on appeal.” *Short v. State*, 443 N.E.2d 298, 309 (Ind. 1982); *see also, e.g., State ex rel. Young v. Noble Cir. Ct.*, 332 N.E.2d 99, 101 (Ind. 1975) (“Such awesome power may not be conferred by mere consent of the parties[.]”).³ When pertinent facts are not in

³ At times, the State asserts Ransom is lodging an improper collateral attack on the validity of the juvenile court’s order waiving jurisdiction—an interlocutory order Ransom already tried to appeal. According to the State, Ransom cannot challenge the validity of this order until resolution of his criminal case. Yet for reasons stated herein, the existence of a valid waiver order is generally a jurisdictional prerequisite where—as here—criminal charges concern conduct the defendant allegedly committed before turning eighteen. We therefore address Ransom’s arguments concerning the waiver order insofar as those arguments implicate jurisdiction.

dispute, whether a court has subject-matter jurisdiction is a question of law we review *de novo*. *D.P.*, 151 N.E.3d at 1213. To resolve jurisdictional questions, we at times engage in statutory interpretation. *See, e.g., id.* at 1217. The proper interpretation of a statute is also a question of law we review *de novo*. *Id.* at 1213.

Statutory Background

[8] The Indiana General Assembly “has enacted an extensive statutory framework in Indiana Code [C]hapter 31-30-3 pursuant to which cases involving delinquent acts may be waived into adult court to be tried as criminal cases.” *Kedrowitz v. State*, 199 N.E.3d 386, 404 (Ind. Ct. App. 2022), *trans. denied*. With few exceptions, a juvenile court has “exclusive original jurisdiction” when the State alleges a person committed a delinquent act. I.C. § 31-30-1-1(a). A delinquent act is an act (1) committed while a person was under the age of eighteen (2) that would have been a crime if committed by an adult. I.C. §§ 31-37-1-1–2. Our legislature has authorized juvenile courts to waive jurisdiction in certain scenarios. *See* I.C. §§ 31-30-3-2–6. When the juvenile court waives its exclusive original jurisdiction, the court “waives the case to a court that would have jurisdiction had the act been committed by an adult.” I.C. § 31-30-3-1.

[9] Of course, to waive jurisdiction, the court must have “jurisdiction over the alleged conduct in the first place.” *State v. Neukam*, 189 N.E.3d 152, 157 (Ind. 2022). And a juvenile court has jurisdiction only when the accused is a “child”—*i.e.*, a person under the age of twenty-one. *See* I.C. § 31-9-2-13(d); *D.P.*, 151 N.E.3d at 1216. Thus, when a juvenile court attempts to waive its

jurisdiction, the order on waiver will be effective—if at all—only if issued before the accused turns twenty-one years old. *See id.*; *cf. Neukam*, 189 N.E.3d at 157 (identifying a “jurisdictional gap” where the accused was “older than twenty-one” and the allegations arose from conduct “before turning eighteen”).

1. Validity of the Waiver Order

[10] Where—as here—the legislature has given a juvenile court exclusive original jurisdiction, a criminal court does not assume jurisdiction until the juvenile court waives jurisdiction. *See, e.g., Neukam*, 189 N.E.3d at 157 (discussing the interplay between the juvenile code and the criminal code, noting “[t]he effect of . . . waiver is a criminal court may then exercise its own jurisdiction”).

[11] Before the State filed charges in this case, the juvenile court entered a waiver order consistent with Indiana Code Section 31-30-3-2. This statute provides:

Upon motion of the prosecuting attorney and after full investigation and hearing, the juvenile court may waive jurisdiction if it finds that:

(1) the child is charged with an act that is a felony:

(A) that is heinous or aggravated, with greater weight given to acts against the person than to acts against property; or

(B) that is a part of a repetitive pattern of delinquent acts, even though less serious;

(2) the child was at least fourteen (14) years of age when the act charged was allegedly committed;

(3) there is probable cause to believe that the child committed the act;

(4) the child is beyond rehabilitation under the juvenile justice system; and

(5) it is in the best interests of the safety and welfare of the community that the child stand trial as an adult.

I.C. § 31-30-3-2.

[12] In asserting the criminal court lacks subject-matter jurisdiction over the allegations, Ransom argues the juvenile court never entered a valid waiver order. In so arguing, Ransom does not allege the juvenile court failed to comply with the foregoing waiver statute or that Ransom—twenty years old at the time of waiver—was not subject to the juvenile court’s jurisdiction. Rather, Ransom directs us to *Seay v. State*, 337 N.E.2d 489 (Ind. Ct. App. 1975). Ransom argues *Seay* contains a list of documents that “must be included in the record of the juvenile waiver proceeding for the criminal court to properly acquire jurisdiction[.]” *Appellant’s Br.* at 24–25 (citing *Seay*, 337 N.E.2d at 498). He asserts *Seay* “has not been overturned” and remains good law. *Id.* at 25. He further asserts that, without “[s]trict adherence” to *Seay*, there is “[a]n improper waiver of jurisdiction . . . void[ing] any subsequent criminal action.” *Id.*

[13] As the State points out, our juvenile code has changed since *Seay* was decided in 1975. For example, Ransom’s list of purportedly necessary documents includes an order of the juvenile court directing the probation officer to file a delinquency petition. But, as the code stands today, the juvenile court does not direct a probation officer to file a delinquency petition. See I.C. § 31-37-10-1. Instead, the applicable statute—titled “Standing”—identifies only “[t]he prosecuting attorney” as someone who “may file a petition alleging that a child is a delinquent child.” *Id.* Furthermore, in *K.S. v. State*, the Indiana Supreme Court looked to legislation rather than caselaw to determine whether a court had subject-matter jurisdiction. 849 N.E.2d 538, 542 (Ind. 2006).

[14] Having reviewed *Seay* along with Ransom’s arguments concerning the ongoing applicability of recordkeeping requirements identified in the case, we conclude the Indiana Code, rather than *Seay*, contains the requirements for entering a valid waiver order. And having discerned no statutory deficiency as to the order waiving jurisdiction—which the juvenile court entered while Ransom was a “child” subject to its jurisdiction—we conclude the waiver order is valid.

2. Initiation of the Criminal Proceedings

[15] Ransom alleges the criminal court lacks subject-matter jurisdiction because the State did not file the waiver order when it brought the criminal charges. Yet, in denying Ransom’s motion to dismiss on this basis, the trial court found the State *had* filed the waiver order with the charging information. And, when we view the criminal cause in the Odyssey case-management system, we see the waiver order filed on April 20, 2021—the same day the State filed the charges.

[16] As the criminal court noted in proceedings below, evidently the waiver order “was not apparent” in the Chronological Case Summary because it appeared “in the docket as a ‘Proposed Order[.]’” *Appellant’s App. Vol. 2* at 174. The State asserted the waiver order had been mistakenly categorized as a proposed order because of a “scrivener’s error with the e-filing and a mix[-]up in what was attached and what was not.” *Tr. Vol. 2* at 12. To cure any issue as to the visibility of the waiver order, the State moved to supplement the record, tendering a copy of the order. But regardless of the State’s motion, the existence of the filing is the proper subject of judicial notice—both for the criminal court and for this Court on appeal. *See* Ind. Evid. Rule 201(a)(2)(C) (allowing a court to judicially notice the existence of Indiana court records).

[17] In any case, Ransom asserts the procedure here was contrary to Indiana Code Section 31-30-3-11, which provides: “The prosecuting attorney shall file a copy of the waiver order with the court to which the child has been waived when the prosecuting attorney files the indictment or information.” Ransom argues the statute uses the term “shall,” which refers to an obligation. According to Ransom, the State must strictly comply with the statute, and any deviation results in a defective charging information and a lack of jurisdiction. Ransom directs us to caselaw for the following proposition: “In this state it has been held consistently that a criminal action can be commenced only in the manner provided by law, and that it is the filing of the accusation in lawful form that invokes the jurisdiction of the court in the particular case.” *Appellant’s App. Vol. 2* at 28 (quoting *Pease v. State*, 129 N.E. 337, 339 (Ind. Ct. App. 1921)).

[18] But even assuming the State’s procedure in this case resulted in noncompliance with Indiana Code Section 31-30-3-11, we cannot say the asserted error is jurisdictional in nature. Indeed, although Ransom’s quoted caselaw refers to “jurisdiction,” our Supreme Court later observed “[a]ttorneys and judges alike” have often mischaracterized “a claim of procedural error as one of jurisdictional dimension.” *K.S.*, 849 N.E.2d at 541. The Court explained procedural defects are generally not jurisdictional in nature: “*Real* jurisdictional problems would be, say, a juvenile delinquency adjudication entered in a small claims court, or a judgment rendered without any service of process. Thus, characterizing other sorts of procedural defects as ‘jurisdictional’ misapprehends the concepts.” *Id.* at 542. After distinguishing mere procedural defects from jurisdictional issues, the Court addressed allegations a juvenile court had not complied with a statutory provision concerning the initiation of a delinquency proceeding. *Id.* The Court rejected any contention this type of procedural defect would affect jurisdiction. *Id.* In doing so, the Court turned to the Indiana Code, quoted the statute conferring jurisdiction to the juvenile court, and stated there was “no question” the court had subject-matter jurisdiction over the allegations. *Id.*

[19] Here, the State filed criminal charges in the criminal division of the Lake Superior Court. In general, the Lake Superior Court has “original and concurrent jurisdiction in all civil cases and in all criminal cases[.]” I.C. § 33-29-1.5-2 (setting forth the jurisdiction of nonstandard superior courts); I.C. § 33-33-45-1 (specifying the Lake Superior Court is a nonstandard superior court). Of course, there are statutory exceptions to this jurisdiction—including the

exception channeling delinquency proceedings to the court's juvenile division. *See* I.C. §§ 31-30-1-1(a) (conferring jurisdiction to juvenile courts) & 33-33-45-21(a) (establishing the juvenile division of the Lake Superior Court); *cf. State ex rel. Zoeller v. Aisin USA Mfg., Inc.*, 946 N.E.2d 1148, 1152 (Ind. 2011) (noting, in general, a broad grant of jurisdiction may be subject to statutory exceptions).

[20] Having consulted the pertinent statutes establishing the jurisdiction of the criminal division of the Lake Superior Court, we reject Ransom's contention the court is deprived of subject-matter jurisdiction if the State does not comply with Indiana Code Section 31-30-3-11. That is, although it appears the State complied with the statute, we conclude any error was a mere procedural defect that did not affect subject-matter jurisdiction. And apart from the asserted jurisdictional issue, Ransom has not identified any prejudice from the alleged error. *See* Ind. Appellate Rule 66(A) (directing us to disregard harmless error).

3. Acceptance of Jurisdiction

[21] Ransom's final appellate contention is the criminal court lacks subject-matter jurisdiction because the court failed to "accept jurisdiction" before Ransom turned twenty-one years old. *Appellant's Br.* at 32. According to Ransom, a juvenile court's order waiving jurisdiction becomes "null and void" if "not acted upon by the trial court prior to [the accused] reaching the age of twenty-one[.]" *Id.* Yet Ransom acknowledges "Indiana courts have not yet addressed the question of when or under what circumstances a juvenile waiver order expires." *Id.* He directs us to public-policy arguments—rather than existing law—supporting his preference for an expiration date. For example, he asserts:

“The failure to impose an expiration on juvenile waiver order[s] would result in adults being punished many years after their youthful offenses.” *Id.* at 33.

[22] It is our legislature that bestows—and reserves—subject-matter jurisdiction. *See generally, e.g., Neukam*, 189 N.E.3d 152, 157 (noting “only the legislature” had the power to resolve a “jurisdictional gap” between juvenile courts and criminal courts). And Ransom concedes our legislature has not enacted a temporal “limitation . . . for the acceptance of jurisdiction by the adult court from a juvenile waiver order.” *Appellant’s Br.* at 32–33. Ultimately, absent legislation providing a criminal court can lose subject-matter jurisdiction after entry of a valid waiver order, we cannot say the criminal court lacks jurisdiction here. Ransom’s public-policy arguments are better directed toward the legislature.

Conclusion

[23] Because the criminal court had subject-matter jurisdiction at all times after entry of the valid waiver order, the court did not err in denying the motion to dismiss.

[24] Affirmed.

Bailey, J., and Tavitas, J., concur.