

Circuit Court for Cecil County
Case No.: C-07-CR-24-000309

UNREPORTED*

IN THE APPELLATE COURT

OF MARYLAND

No. 2342

September Term, 2024

INASIA JANIYA STOVALL

v.

STATE OF MARYLAND

Nazarian,
Reed,
Hotten, Michele D.,
(Senior Judge, Specially Assigned),

JJ.

Opinion by Nazarian, J.

Filed: July 10, 2026

* This is an unreported opinion. This opinion may not be cited as precedent within the rule of stare decisis. It may be cited for persuasive value only if the citation conforms to Maryland Rule 1-104(a)(2)(B).

Appellant, a minor, appeals the decision of the Circuit Court for Cecil County denying her motion to transfer this case from the criminal court to the juvenile court. After the court denied the motion, Appellant elected a bench trial, pleaded not guilty pursuant to an agreed statement of facts to carjacking,¹ and was convicted. The court sentenced her to incarceration for a term of twenty years, all suspended but five years and 272 days, and five years of supervised probation after release. We affirm.

I. BACKGROUND

On April 24, 2024, officers from the Perryville Police Department in Cecil County responded to a report of a stolen vehicle in the vicinity of Honicker Street and Keesey Lane. The officers met with the seventy-three-year-old victim, who reported that she was at a nearby Royal Farms when two teenage girls approached her as she walked out of the store and asked her for a ride home. They told the victim that they lived just down the road, and she agreed to give them a ride. Appellant sat in the front passenger seat of the car and the second female, her co-defendant,² sat in the back seat behind the victim.

After directing the victim to turn onto a residential street, Appellant said she had lost her keys somewhere in the car and asked the victim to stop so she could get out to look for them. The victim stopped the car and she and both girls got out to look for the keys. When the victim got out of her car, the girls threw her on the ground, punched and kicked her, and drove away in her car, leaving her injured in the street. The victim flagged down

¹ The State entered a *nolle prosequi* on the remaining counts.

² The co-defendant is not a party to this appeal.

a neighbor, who called 911. The police and first responders arrived at the scene and treated the victim's injuries. She provided the officers with a description of her vehicle, and they entered that information into the NCIC database.³

The following day, Pennsylvania police located the victim's car when they served an unrelated search warrant at a residence in York County. Appellant and the co-defendant were inside the residence when the police executed the search. The police officers located the key fob for the stolen vehicle during their search, and when they asked the occupants who the key fob belonged to, Appellant told the police that it was hers. Appellant and the co-defendant were arrested and extradited to Maryland. Appellant was sixteen years old when the incident occurred and was, under Md. Code (1974, 2020 Repl. Vol., 2025 Cum. Supp.), § 3-8A-03(d)(4) of the Courts and Judicial Proceedings Article ("CJ"), charged as an adult with carjacking, theft, assault, reckless endangerment, and other related charges.

On June 17, 2024, Appellant filed a motion to transfer jurisdiction from the criminal court to the juvenile court for Cecil County, as permitted by Md. Code (2001, 2025 Repl. Vol.), § 4-202 of the Criminal Procedure Article ("CP"). This type of transfer is commonly called a "reverse waiver." *See Gaines v. State*, 201 Md. App. 1, 10 (2011). The Department of Juvenile Services ("DJS") completed several reports in preparation for the hearing: a Transfer/Waiver Psychological Assessment Report, a Transfer/Waiver Report, and a

³ NCIC stands for National Crime Information Center. "NCIC is a computerized index of criminal justice information" that "is available to Federal, state, and local law enforcement." John Pike & Steven Aftergood, *National Crime Information Center (NCIC)*, Fed'n of Am. Scientists: Intel. Res. Program (June 2, 2008), <https://irp.fas.org/agency/doj/fbi/is/ncic.htm> [<https://perma.cc/7384-GAFZ>].

Transfer/Waiver Assessment Staffing Team Meeting Outcome Report. The court held a hearing on the motion to transfer over two days: October 2, 2024, and October 11, 2024.

Appellant presented three witnesses. Dr. Angela Tilghman, a Psychology Associate-Doctorate for DJS, testified *first*. Dr. Tilghman completed a psychological assessment of Appellant and prepared the Transfer/Waiver Psychological Assessment Report. This report was admitted at the transfer hearing as Joint Exhibit 1.⁴ Dr. Tilghman interviewed the Appellant and her Baltimore City Department of Social Services (“BCDSS”) caseworker, reviewed relevant records, and utilized several tests to complete the assessment. The final psychological report evaluated features such as Appellant’s levels of intellectual and executive functioning, personality patterns, and clinical syndromes. Appellant’s diagnoses included Disruptive Mood Dysregulation Disorder, Major Depressive Disorder, Recurrent Episode, Moderate, With Anxious Distress, Attention-Deficit/Hyperactivity Disorder Combined Presentation (“ADHD”), Unspecified Disruptive, Impulse-Control, Conduct Disorder, and Posttraumatic Stress Disorder (“PTSD”).⁵

Dr. Tilghman underscored her recommendation that Appellant receive trauma-focused interventions based on her exhibited symptoms of PTSD. She noted several

⁴ The Transfer/Waiver Psychological Assessment Report provided the date of assessment as June 17, 2024, and the date of the report as July 18, 2024.

⁵ The other diagnostic impressions noted by Dr. Tilghman on the psychological report included Cannabis Use Disorder, Tobacco Use Disorder, Other Housing Problem, Phase of Life Problem, Upbringing Away From Parents, Personal History of Physical Abuse in Childhood, Problems Related to Other Legal Circumstances, and Victim of Crime.

adverse events in Appellant’s life that contributed to the PTSD diagnosis, including her history of commitment to BCDSS since 2018, when she was just eleven years old. Before BCDSS removed her from her family, Appellant endured “excessive corporal punishment” at the hands of her mother and father. Multiple unsuccessful attempts have been made to reunify Appellant with her mother. She has been in numerous placements through BCDSS since 2018, including foster homes, group homes, residential treatment centers (“RTCs”), two psychiatric hospitalizations, BCDSS extended hours facilities, and hotels. Appellant has a history of running away from her BCDSS placements. In April 2024, when Appellant was charged with committing this offense, she had run away from her placement at a semi-independent living group home.⁶

Dr. Tilghman noted several other traumatic and violent incidents in Appellant’s past, including losing her boyfriend to gun violence in 2023, and being robbed at gunpoint in 2024. Additionally, Appellant was very close to her grandfather, who died when she was nine years old.

Based on the results of the psychological assessment, Dr. Tilghman opined that Appellant requires therapeutic services and testified that DJS could provide her with

⁶ The Maryland Department of Human Resources provides the following information: “The Semi-Independent Living Arrangements (SILA) program gives foster youth the opportunity to practice living independently while being supervised by BCDSS. Youth in SILA can live in a variety of settings including renting a room, living in their own apartments or staying on campus in a dorm. Each month, SILA youth receive a check from BCDSS to help cover living expenses.” *Housing for Foster Youth*, Md. Dep’t of Hum. Servs., <https://dhs.maryland.gov/local-offices/baltimore-city/adoption-foster-care-services/bcdss-youth-resources/housing/> [https://perma.cc/4R9K-R9C5] (last visited July 2, 2026).

services that could address her needs effectively. Her therapeutic needs included trauma-focused interventions, individual therapy, continued psychiatric medication management, possible family therapy, anger management, and anxiety management. Dr. Tilghman also recommended continued educational support, participation in a prosocial activity, and involvement in a mentorship program to help Appellant to be successful in her future. Ultimately, Dr. Tilghman testified that there are services in the juvenile system that Appellant has not received and that “she is amenable to treatment and she would be a good candidate to be referred to . . . the department [of] juvenile services.”

Jasmin Henderson, a resource specialist with DJS, testified *next* on Appellant’s behalf. Ms. Henderson was a member of the team that created Appellant’s Transfer/Waiver Assessment Staffing Team Meeting Outcome Report. The team recommended that Appellant be held in a hardware secure⁷ facility through DJS. In reaching this recommendation, the team considered several sources of information, including the police report, a review of the efforts made previously by BCDSS and DJS to assist Appellant, and Dr. Tilghman’s psychological evaluation.

The team concluded that a program called the Peace⁸ Academy would provide Appellant with the services Dr. Tilghman recommended. The Peace Academy is a small,

⁷ Ms. Henderson described a hardware secure facility as “a locked facility, fenced in. There’s no ability to walk freely in and out.”

⁸ The program is referred to as the “Peace Academy” and the “P.E.A.S.E. Academy” throughout the transcripts. We use the “Peace Academy,” as it is spelled on the Transfer/Waiver Assessment Staffing Team Meeting Outcome report.

hardware-secure, all-female youth program, located on the grounds of the Western Maryland Children’s Center, that DJS began operating in March of 2024. The projected average length of stay in the program is “12-18 weeks” and several factors cause variations in the length, such as a youth’s risk level, treatment needs, and overall level of engagement in treatment. Ms. Henderson testified that the Peace Academy has “never been full” since the facility increased its capacity from six beds to twelve beds. And, she said, DJS could refer Appellant to an out-of-state hardware secure program, if needed.

Finally, Crystal Wilson, a case management specialist supervisor at DJS, testified at the second day of the hearing. Ms. Wilson participated in creating Appellant’s Transfer/Waiver Report and testified about the team’s decision to recommend a hardware secure placement. Consistent with Ms. Henderson’s testimony, Ms. Wilson testified that the team considered the nature of the alleged offense, the police report, Appellant’s history and reports from BCDSS, and her treatment needs before recommending a hardware secure placement. She acknowledged also that the immediate safety of the public was a consideration for recommending the Peace Academy because “[Appellant] would not be in the community, and . . . that is . . . something that is considered. Do we have services that would prevent [her] from having access or ability to commit another such act?” Furthermore, the recommendation aimed to mitigate future risk to the public by providing therapeutic services that address Appellant’s negative behaviors and prevent her from repeating them in the future.

The court questioned Ms. Wilson about the authority DJS has over a youth who

does not adjust well to the services and treatment provided and then turns twenty-one:

THE COURT: What happens if you have a youthful offender who has not responded well or adjusted to the treatment and then they turn 21? Are they just released from the [DJS] program entirely?

[MS. WILSON]: We would have a—some form of transition plan. We would not want to just release someone and just, you know, set them out on the street, but we would want to release them to a program that could continue to offer the services and support, even though it would not be monitored or mandatory through juvenile services but we would still want them to be in some type of program.

THE COURT: But that would essentially be—it would have to be voluntary on the part of the 21-year-old at that point.

[MS. WILSON]: Right.

THE COURT: It could not be compelled?

[MS. WILSON]: Right.

Ms. Wilson testified as well about Appellant’s history with DJS. DJS monitored Appellant for a six-month period of probation, beginning in February 2023, for second-degree assault, but Appellant never participated in a DJS program and “didn’t even receive the full spectrum of probation[] services when she was on probation” with DJS. At the time, DJS didn’t refer Appellant to services beyond those she was receiving already from BCDSS because they didn’t want to overwhelm her. The juvenile court did require DJS to refer Appellant either to Araminta Freedom Initiative or Turnaround for counseling as a condition of her probation, but Appellant was not an appropriate candidate for either

program.⁹ Instead, Appellant received counseling and medication management from Advanced Behavioral Health, a program she was already participating in through her commitment to BCDSS.

Ms. Wilson testified that BCDSS placed Appellant with her mother at the beginning of the probation period, but she frequently stayed away from her mother's home and violated curfew. After they were unsuccessful in their attempts to contact her at home or school, DJS sought a warrant for Appellant on March 3, 2023. Appellant returned to BCDSS shelter care later that month and was placed in a hotel, where she received twenty-four-hour supervision and a one-to-one aide to support her while she awaited a group home placement. Once she was in placement consistently, DJS was "able to maintain contact with her and encourage her engagement with school and therapy."

Unfortunately, Appellant continued to reside in various hotels for the remainder of her probation with DJS. As indicated on the Transfer/Waiver Report, "[Appellant] has a history of aggressive behavior with youth and staff, as well as refusal to engage in therapy in residential placements making it difficult for DSS to find placement[s] for her." Ultimately, Advanced Behavioral Health discharged Appellant because she didn't participate in their services as recommended. DJS closed Appellant's order of probation

⁹ DJS contacted the programs, but Appellant was not an appropriate referral because she was not a victim of human trafficking or sexual assault.

“unsuccessfully” on August 6, 2023.¹⁰ They did not file a request with the court for a violation of her probation.

The State presented one witness during the reverse waiver hearing. The victim provided a victim impact statement to the court, explaining how the incident has affected her. She told the court that she feared for her life during the carjacking. She testified further that in the aftermath, just driving past the road where the carjacking occurred has caused her distress, and she stated that it “upset [her] to the point where [she] thought [she] was going to break down.”

After two days of testimony and the parties’ closing arguments, the court held the matter under consideration “to take some time and give this matter the due consideration that the complexities of the case warrant” On October 16, 2024, the court rendered a comprehensive oral decision denying Appellant’s motion to transfer to juvenile court. On January 17, 2025, Appellant pleaded not guilty to unarmed carjacking pursuant to an agreed statement of facts and the court convicted her.

On January 22, 2025, the court sentenced Appellant to a term of twenty years’ incarceration, all but five years and 272 days suspended, with a credit of 272 days for time served before trial. The court recommended strongly that Appellant serve her sentence at the Patuxent Institute program for youthful offenders. After release, she would be supervised by the Department of Parole and Probation for five years, with a condition that

¹⁰ During her testimony, Ms. Wilson confirmed that Appellant’s probation ended on August 6, 2023 and not on August 6, 2024, as indicated on page six of the Transfer/Waiver Report, marked as Joint Exhibit 2.

she continue with mental health treatment, as directed by her probation agent.

Appellant filed a timely notice of appeal. We include additional facts as appropriate below.

II. DISCUSSION

By pleading not guilty pursuant to an agreed statement of facts, Appellant preserved her appellate rights, including her right to appeal the circuit court’s denial of the reverse waiver motion. She presents one question:¹¹ whether the circuit court abused its discretion and erred in denying her motion to transfer jurisdiction to the juvenile court.

We review the decision of the circuit court to deny a defendant’s motion to transfer to juvenile court for an abuse of discretion. *Carini v. State*, 268 Md. App. 391, 402 (2026) (citing *Rohrbaugh v. State*, 257 Md. App. 638, 662 (2023)). “An abuse of discretion occurs where no reasonable person would take the view adopted by the circuit court.” *Trimble v. State*, 491 Md. 378, 406 (2025) (quoting *Montague v. State*, 471 Md. 657, 674 (2020)). To constitute an abuse of discretion, a trial court’s ruling must be “well removed from any center mark imagined by the reviewing court and beyond the fringe of what that court deems minimally acceptable.” *Id.* (quoting *Faulkner v. State*, 468 Md. 418, 460 (2020)). Therefore, we will not disturb the trial court’s ruling “simply because [we] would not have made the same ruling.” *Id.* (quoting *Devincentz v. State*, 460 Md. 518, 550 (2018)). The

¹¹ Appellant phrased her Question Presented as follows: Did the circuit court abuse its discretion and err in denying [Appellant’s] motion to transfer jurisdiction to the juvenile court?

The State phrased its Question Presented as follows: Did the motions court properly deny [Appellant’s] motion to transfer her case to juvenile court?

question of whether the court erred by assuming the Appellant guilty of the alleged offense, however, is a legal issue that we review *de novo*. *Whaley v. State*, 186 Md. App. 429, 444 (2009).

A. The Circuit Court Did Not Abuse Its Discretion Or Err When It Denied Appellant’s Motion To Transfer Her Case To The Juvenile Court.

At the conclusion of the hearing on Appellant’s motion, the court elected to hold the motion under advisement to “take some time and give this matter the due consideration that the complexities of the case warrant[.]” The court delivered its oral ruling the following week, on October 16, 2024, and acknowledged again that reverse waiver cases are difficult in both “the factual nature of the proceedings as well as the complexity of the law that applies.” We agree. These cases are difficult, and especially so on this posture, where we, unlike the circuit court, don’t get to see parties and witnesses first-hand. It’s important too that we remember that on appeal, we’re not deciding whether we, sitting as trial judges, would have reached the same conclusion. The question is whether the circuit court applied the right law and exercised its discretion appropriately to reach a conclusion that falls within the range of reasonable and appropriate conclusions that this record could support. That’s what happened here, and that’s why we are affirming.

Generally, a juvenile court has exclusive original jurisdiction over a child “[w]ho is at least 13 years old alleged to be delinquent.” CJ § 3-8A-03(a)(1)(i). But the juvenile court doesn’t have original jurisdiction over a child who is at least sixteen years old and is alleged to have committed specified crimes, including carjacking, as well as any other charges

against the child resulting from the same incident. CJ § 3-8A-03(d)(4). In these cases, the juvenile may file a motion under CP § 4-202, asking the criminal court to transfer the case:

(b) . . . a court exercising criminal jurisdiction in a case involving a child may transfer the case to the juvenile court before trial or before a plea is entered under Maryland Rule § 4-242 if:

(1) the accused child was at least 14 but not 18 years of age when the alleged crime was committed;

(2) the alleged crime is excluded from the jurisdiction of the juvenile court under § 3-8A-03(d)(1), (4), or (5) of the Courts Article; and

(3) the court determines by a preponderance of the evidence that a transfer of its jurisdiction is in the interest of the child or society.

CP § 4-202(b).

To determine whether transfer to the juvenile court is in the best interest of the child or society, the trial court must consider five factors: “(1) the age of the child; (2) the mental and physical condition of the child; (3) the amenability of the child to treatment in an institution, facility, or program available to delinquent children; (4) the nature of the alleged crime; and (5) the public safety.” CP § 4-202(d). “The burden is on the juvenile to demonstrate that under these five factors, transfer to the juvenile system is in the best interest of the juvenile or society.” *Whaley*, 186 Md. App. at 444.

Our Supreme Court has instructed trial courts to approach their analysis of the CP § 4-202(d) factors as converging on the determination of a child’s amenability to treatment:

The five considerations are not in competition with one another. They all must be considered but they are necessarily interrelated and, analytically, they all converge on amenability

to treatment. The age of the child, for example, may, in some circumstances, be critical in determining whether he or she is legally eligible for waiver or transfer, but beyond that, in determining whether jurisdiction should be waived or transferred has relevance only in connection with public safety and amenability to treatment, as we have defined it. Whether the child has a mental or physical condition also has relevance only to amenability and possibly public safety; the court must determine, from evidence, what the condition is and whether there is a DJS program that can deal with it better than anything in the adult correctional system. The nature of the crime: if the child is eligible for waiver or transfer, the crime is likely to be either serious or repetitive, which, like age and physical or mental condition, may be relevant to amenability to treatment or public safety and must be considered in that context but has no independent significance.

Davis v. State, 474 Md. 439, 464–65 (2021). *Davis* directs trial courts to assess “whether it is likely that the child would benefit from an available DJS program better than he or she would from anything likely to be available in the adult system and whether that would reduce the likelihood of recidivism and make the child a more productive and law-abiding person.” *Id.* at 464.

Appellant argues that the circuit court abused its discretion by viewing her residential placements through BCDSS and her brief history with DJS as treatment failures relevant to assessing her amenability to treatment. She contends that although the court acknowledged that the statistics she presented indicated “a lower recidivism rate in the juvenile side of things than the adult side of things,” the trial court “cast this data aside,” and again, focused instead on her history with BCDSS and DJS. In addition, Appellant contends that the court abused its discretion by considering her age when assessing the public safety factor and finding that “her age severely limits her rehabilitative potential”

within the juvenile system. Finally, Appellant argues that the court erred when considering “[t]he nature of how this specific carjacking was purported to have occurred” because, she says, the court presumed her guilty of the alleged crime. The State responds that the court considered each of the five factors under CP § 4-202 properly, assigned the appropriate analytical focus to the amenability factor, and rendered a decision that reflects a sound exercise of discretion. And on this record, we agree.

The circuit court began its ruling by articulating the requisite analytical framework for deciding reverse waiver cases correctly, as set forth in CP § 4-202(d). The court addressed each of the five factors individually while acknowledging that under *Davis*, all of the factors “ultimately [converge] on the determination of the child’s amenability to treatment.” *See Davis*, 474 Md. at 464. We look at each, and the circuit court’s treatment of each, in turn.

1. *The age of the child*

The court observed that Appellant was sixteen years old when the carjacking occurred, and “17 years and one month old” on the date the court issued its ruling. The court considered her age further when contemplating the limited timeframe in which the juvenile system would have to work with her.

I mean, we’ve got [Appellant], 17 years and 1 month. The available time in the juvenile system within which all of these available therapeutic modalities through the [Peace] Academy or through whatever other resource DJS has at its disposal to apply in the instant case, there are 3 years and 11 months for those resources and those services to do what they need to do.

You know, I made a point of asking Ms. Wilson on the stand, what happens when a youthful offender turns 21. And she was

appreciably candid about it. Well, we work with the youth, we outline options that are available for continued treatment, [b]ut it's at that stage wholly voluntary. There's no legal authority under which DJS can compel the continued involvement of that youth. . . . [I]f the youth on their 21st birthday says that's it, I'm done, well that's it. They're done.

2. *The mental and physical condition of the child*

In reviewing Appellant's physical condition, the record contains nothing "that stood out in the court's mind as representing a physical deficit of some kind" But the court found Appellant's mental condition to require "a more complicated assessment." The court reviewed the diagnoses identified in the Transfer/Waiver report and discussed the evidence regarding the Appellant's "traumatic upbringing."

In reviewing the transfer waiver report, [that I believe] was submitted as Joint Exhibit Number 2[,] Page 4 of that document sets forth Dr. Tilghman's diagnoses. Disruptive mood dysregulation disorder. Major depressive disorder[,] [r]ecurrent episode[,] moderate[,] with anxious distress. Post-traumatic stress disorder. Attention-deficit/hyperactivity disorder[,] [c]ombined presentation.

Unspecified disruptive impulse control and conduct disorder. Cannabis use disorder in a controlled environment, moderate. Tobacco use disorder in a controlled environment, mild. Other housing problems. Phase of life problem. Upbringing away from parents. Personal history of physical abuse and childhood problems related to other legal circumstances. And having been the victim of crime herself.

And certainly, those diagnoses are represented by Dr. Tilghman's findings and also . . . addressed in the biographical history that has been provided to the [c]ourt for [Appellant].

* * *

[I]t's been represented by the Defense here and the [c]ourt is certainly not in a position to take a quarrel with [the] position that [Appellant] has—had a traumatic upbringing. And I don't say

this glibly, but I don't suppose that there are really any youths in the State of Maryland who find themselves committed to the custody of the Department of Social Services in the absence of some degree of a traumatic upbringing.

The evidence establishes [that Appellant] was first committed to the care and custody of the Baltimore City Department of Social Services in 2018[,] and that she remained in the custody and care of that agency from the time of her initial placement through the date of the incident that gave rise to the charges in the present matter.

And that history is a troubling one. It is unfortunate[ly] rife with a host of placement changes, [and] placement[s] in locations of varying degrees of I guess restrictions.

From what the court can glean . . . the underlying plan throughout the course of [Appellant's] time in the care of the Department of Social Services appeared to remain reunification and there were . . . periodic attempts at a return to placement with [Appellant's] mother throughout the course of [her] time in the custody of the department. And none of those returns home to her mother lasted terribly long, and . . . at each point there were disruptions in that placement, and she was removed from the placement with her mother.

Specifically, the history of [Appellant's] placements . . . included the following, foster care, November 9, 2018, through November 13th of 2018. Return to mother, November 13th of 2018, to December of 2018. Psychiatric hospitalization at the University of Maryland Medical Center, December 10 through 12, 2018.

Progress Steps Group Home, December 12th, 2019, to January 3rd, 2019. Woodborn—Woodburn Residential Treatment Center, January 3rd, 2019, to January 25th, 2019. Shelter care/foster care, January 25th, 2019, to February 4th, 2019. St. Vincent's Villa Residential Treatment Center, February 4th, 2019, to September 15th, 2020. Millcreek Behavioral Health Residential Treatment Center in Alabama, September 16th, 2020, to August 19th, 2021.

Return to mother's home August 19, 2021, through September

12, 2021. Magic Unity Group Homes, September 12th, 2021, to December 17th, 2021. Children’s Home Group Home, February 15th, 2022, to April 8th, 2022. Foster care, April 8th, 2022, to May 16th, 2022. DSS Shelter [placement], September 5, 2022, to September 9th, 2022. Our Fortress Group Home, October 14, 2022, to November 9, 2022.

Return to mother’s home December 9, 2022, to December 12, 2022. Psychiatric hospitalization December 12, 2022, to January 25th, 2023. Return to mother’s home January [2]5th, 2023, to March 2023. DSS Shelter [placement], April 2023 to October 2023. Jumoke semi-independent living group home, October 12, 2023, to December 2023.

At which point [Appellant] AWOL’ed from Jumoke^[12] and the December 2023 timeline. [Appellant] [r]emained AWOL on runaway status up until the point that she was charged with the current offense.

This report goes on to state that [the] DSS representative reported that the gaps in the placement dates were due to [Appellant’s] eloping from placement. Further[,] [the DSS representative] report[ed] that [Appellant] has a history of aggressive behavior with youth and staff, as well as a refusal to engage in therapy and residential placements, making it difficult for [BCDSS]to find placement for her.

Education-wise, [Appellant] was last . . . enrolled in the ninth grade. She had failed the ninth grade three times. [She] had not earned any high school credits prior to her detainment for the current events.

A request upon [Appellant’s] behalf . . . [was made to] transfer the matter to the juvenile court. Arguments were made that, . . . notwithstanding the volume of rehabilitative resources and services that had been provided through the Department of Social Services during the tenure of [Appellant’s] custody in that agenc[y’s] care, that the lack of a targeted trauma[-]informed therapeutic modality designed to address what has been characterized as the complex trauma of

¹² Jumoke is the name of the semi-independent group home where Appellant was placed at that time.

[Appellant's] upbringing[,] serves largely as the basis for . . . the proposal that this court make the necessary finding to transfer the matter to the juvenile court.

The court then addressed the recommendation that Appellant be placed in a hardware secure juvenile facility and receive therapeutic services, per Dr. Tilghman's psychological report:

And the testimony from the Department of Juvenile Services workers . . . established that the . . . agencies findings are that . . . the appropriate placement for [Appellant] would be in a hardware secured juvenile facility.

Described essentially as a, you know, residential treatment center, but one that is secure in such a way that the youths housed there have no ability to leave. Essentially, it's a residential treatment center that locks from the outside.

In the transfer waiver assessment staffing team meeting outcome report, [the] staffing teams' recommendation, again, is a level of care that would be hardware secure.

Setting forth that [Appellant] should receive individual therapy to assist with providing trauma[-]focused interventions, processing her grief from trauma issues, utilizing effective coping skills to appropriately deal with negative emotions, anger management, anxiety management, reassessing her future symptoms, psychiatric medication management, [and] development of [a] housing plan.

Along with the provision of educational supports, implementation of the terms of [Appellant's] IEP . . . for emotional and behavioral issues. [The team] [f]urther recommend[ed] participation in pro-social activities and development of a connection in a mentor program.

Now, the specific program that has been recommended is the Peace Academy. The [c]ourt heard testimony and received evidence related to that program. It's a hardware secure facility located on the grounds of the Western Maryland Children's Center.

[The Peace Academy's features include the] [p]rovision of [b]ehavioral [h]ealth [s]ervices, psychoeducational group substance abuse education, trauma, mental health and recovery for youth group, crisis counseling, medication management, family counseling, individual counseling, individual trauma counseling, educational services, [and] pro-social activities.

[The] [m]aximum age of admission into that facility is 20 years . . . of age. It was represented that . . . since the [Peace Academy] was expanded from a six bed program to a twelve bed program, there has not been a time where a bed was not available.

The [c]ourt further heard testimony related to potential out of state hardware secure juvenile facilities[,] [i]n the event that the Peace Academy was not available[.] [A]nd I believe the testimony from the [DJS] workers [was that], at the age of 17, [Appellant] would be able to be accepted into these programs. As the youths age, it can be more difficult to secure placement in those programs. I guess the closer that the child comes to the age of 21.

As noted here in the report, the Peace Academy appears to have a cap of 20 years of age. You know, . . . it was less concrete . . . with respect to the out of state alternatives as to what the exact cap age of admission is. Though there was a more . . . generalized acknowledgment that the older the youth becomes, the more difficult it can be to secure placements in facilities of that nature.

* * *

You know, speaking to the . . . complex trauma that was referenced in [Appellant's background[,] . . . there's a history of abuse of [Appellant] by both parents. There is a history of . . . grief and loss . . . of a grandparent at a young age. The loss of a boyfriend who—gun violence. [sic] Having been a victim of a crime herself historically.

Finally, the court considered additional data presented in Appellant’s psychological evaluations:

Going back for a moment to some of Dr. Tilghman’s other findings, you know, as to the . . . various testing results [that] were provided. FSIQ4 score of 83. Overall thinking and reasoning abilities exceed 13 percent of her peers in her age group, placing [Appellant] in the low average [range]. I believe in reviewing an evaluation that was conducted . . . early in [Appellant’s] time with the Department of Social Services . . . a similar test produced a similar outcome. So I think that . . . finding appears to have been substantiated over time in the provision of similar tests.

[Appellant’s] GEC^[13] score fell in the mildly elevated range. Some executive function deficits present. BRI^[14] measuring the ability to regulate and monitor behavior effectively in the potentially clinically elevated range. Similar with the ERI,^[15] the ability to regulate and monitor emotions appropriately in the potentially clinically elevated range. Administered the Milan Adolescent Clinical Inventory.^[16]

3. *The amenability of the child to treatment in an institution, facility, or program available to delinquent children*

In its analysis of Appellant’s amenability to treatment, the circuit court highlighted *Davis* “as the most recent landmark case dealing with the issue.” Following the guidance

¹³ As indicated on Appellant’s Transfer/Waiver Psychological Assessment Report, GEC stands for Global Executive Composite. The GEC score is calculated from combining the results of three indexes: Behavioral Regulation Index (“BRI”), Emotional Regulation Index (“ERI”), and Cognitive Regulation Index (“CRI”).

¹⁴ See *supra* note 13.

¹⁵ See *supra* note 13.

¹⁶ As indicated on Appellant’s Transfer/Waiver Psychological Assessment Report, the Millon Adolescent Clinical Inventory was utilized “to provide multidimensional measures of her emotional and behavioral adjustment, family interaction, and academic functioning.”

in *Davis*, the court in this case recognized that although the Peace Academy was presented as an appropriate hardware secure placement, the court's analysis does not end with simply ascertaining that a DJS program exists that can meet the child's needs.

You know, the next step in that analysis is whether it is likely that the child would benefit from an available DJS program better than he or she would from anything likely to be available in the adult system and whether that would reduce the likelihood of recidivism and make the child a more productive, law-abiding person. And it's the second part of that analysis that has caused the court difficulty in the analysis. And that is in large part premised upon the history of Department of Social Services involvement that the court recounted in detail a bit earlier.

The testimony from Ms. Henderson was that, you know, a residential treatment center is possessed of the resources and services that [Appellant] would require. And going back through her placement history in the Department of Social Services, [including] time at Woodbourne . . . residential treatment center, a substantial amount of time at Saint Vincent's Villa Residential Treatment Center, I believe that . . . the total amount of time at Saint Vincent's Villa running February of '19 through September of '20, so . . . about a year and a half at Saint Vincent's Villa, [then] transferred to Mill Creek in Alabama, [and stayed] about 11 months at that facility.

So we're just under three years of time in total of the roughly six years that [Appellant] was in the custody of the Department of Social Services, wherein she was placed in a residential treatment center. And following the . . . placement in those facilities and the provision of services and resources that those facilities have to offer. [sic] And we have contacts with the Department of Juvenile Services historically. September 30th, of 2022, there's an incident, where it looks like the alleged offenses were assault in the second degree and arson in the first degree.

The adjudicated offense was assault in the second degree, characterized in the report as battery. [Appellant] was placed

on a six-month period of probation following that adjudication from February the 3rd, 2023 to august the 6th of 2023. The testimony, I believe, from Ms. Wilson had established that during that six-month period of probation, [Appellant] was directed to engage in mental health services through Advanced Behavioral Health, that she did not participate or complete that program to the department's satisfaction.

No violation of probation was filed. The probation was not extended. It was simply closed unsatisfactorily. Likewise, there [were] two other contacts, as the court recalls, with the Department of Juvenile Services . . . one resulting in an adjudication. I believe that was originally charged as a motor vehicle theft, but was reduced down to an unlawful taking of property, you know, a vehicle, boat, or equipment, how they characterized it. There was an adjudication as to that, but the disposition is to be determined, essentially awaiting the outcome of these proceedings.

Likewise, there is . . . another outstanding case involving unauthorized use of a motor vehicle. That matter has neither been adjudicated nor disposed of, or hasn't gone to adjudication or disposition I've been tasked with presiding over the CINA¹⁷ docket in this court for the last two years, so the court has had ample opportunity to be educated and apprised of the neurobiology of trauma, the neurological development of adolescence, you know, the general consensus being that . . . the human brain is still developing into the mid-twenties.

I reference that because I . . . made a point of asking [Appellant's Counsel], during the course of his presentation, you know, what the court is to make of the recommendation or the position that a hardware secure facility with the resources of a residential treatment center will be adequate to address the underlying issues in this matter in the face of a history of placement in residential treatment centers that while not hardware secure, are—I think Ms. Henderson had testified that a residential treatment center has the resources and services

¹⁷ “CINA” stands for “child in need of assistance.” CJ § 3-801(g).

that would be necessary to address [Appellant's] issue.

And, you know, and it's a difficult question[.] And the response being that . . . she's 17 now. Her stays in the residential treatment centers historically had run from 2019 through 2021, that at . . . that time, she was a younger, just becoming, I guess, an adolescent and that the intervening passage of time would allow—had allowed for sufficient additional neurological development that [Appellant] would now stand better prepared and better able to avail herself in a meaningful way of the resources and services that can be provided.

Ultimately, what the court has to find is by a preponderance of the evidence that there is a program available in the juvenile system that would serve the . . . best interests of both [Appellant] and society in providing sufficient rehabilitation.

4. *The nature of the alleged crime*

The court continued its discussion of *Davis* and the nature of the alleged crime of carjacking at issue here:

You know, and I think *Davis* goes into some detail about the difference in the language of a conventional transfer from juvenile to the adult criminal system versus a reverse waiver transfer from the adult system to the juvenile system. . . . [The law regarding transfer from the adult system to the juvenile system] speak[s] only to the nature of the alleged crime[;] the transfer from juvenile court to adult court, speak[s] to the nature of the crime and the degree of the youth's participation in the alleged crime.

Understanding that *Gaines* predates *Davis* by about a decade, but the *Gaines* matter dealt, I think more specifically with the issue of consideration of the nature of the alleged crime. And that court writing at page 14 of the opinion, writes that, “As we shall explain in greater detail later, the [c]ircuit [c]ourt's remarks in the instant case show that it was making every effort to avoid any consideration of the level of the appellant's participation. But[,] even if the circuit court had weighed the level of appellant's alleged participation, it would not have

erred in doing so.

It is difficult, if not impossible, to consider the [‘]nature of the alleged crime,[’] which the court must do, without considering the actions taken by the alleged perpetrators to commit the crime. Thus, we do not interpret that factor in the reverse waiver statute as being completely divorced from consideration of the actions taken by the alleged perpetrators.” [(quoting *Gaines*, 201 Md. App. at 14).]

You know, and I think you read *Davis* and I think its fair to say that a lot of the, or a good bit of the concern that was raised in that opinion was the degree to which the nature of the alleged crime and considerations of public safety had become more heavily weighted in the court’s analysis with respect to the reverse waiver process. You know, obviously, because of the offenses that are categorized in the code as originating in the circuit court, even for juvenile offenders, those are not minor offenses.

You know, to be charged as a minor in the adult court system necessarily requires that you be charged with a serious offense. You’re looking at what are essentially, you know, what had historically been known as the infamous crimes, you know, the, the old felonies, as well as certain handgun offenses and others, but each of those offenses is kind of by its very nature, a serious offense. So it’s not necessarily just that someone has been charged with a serious crime that is, I think, the focus of the court’s inquiry on that factor.

You know, what the court understands of the nature of this offense through a review of the documents submitted into evidence is, you know—and we’ve got carjacking is the count one, probably the most serious of the offenses that are set forth. The nature of how this specific carjacking was purported to have occurred, I think the court is required by the statute to take that into consideration.

You know, we have two young ladies, who I believe at the time – again, [Appellant] was 16. I believe the co-defendant was just over the age of 18 at a Royal Farms down in Perryville. They approached an elderly woman who was at the Royal Farms alone, I guess made, you know, some level of polite

introduction, asked for a ride. [The victim], the elderly woman in question, acquiesced, offered a ride to the two individuals, was directed to another road. Going down that road, she was asked to stop the car. She stopped the car.

She was physically removed from the car, allegations of a physical assault and then the car was taken and ultimately, the two youths were located in York County, Pennsylvania by law enforcement investigating an unrelated matter at that location. And again, because of the nature of the offense and the public safety, you know, per *Davis* really only have weight in the court's analysis inasmuch as they speak to the amenability factor, you know, it's not as simple as saying, well, we have a violent—an allegation of a violent crime here, therefore that diminishes amenability.

But to the extent that the testimony and the documents submitted speak to issues related to impulsivity and impulse control, the nature of the underlying offense in the court's estimation is—it appears to be a more calculated endeavor than an impulsive endeavor. You know, impulse control being, at least as the way this [c]ourt understands it, a reduced level of consideration between stimulus and response, that there is an impulsive idea to take an action, and then that action is undertaken without engaging in the due consideration or reflection of either the propriety of the action itself or the potential consequences of engaging in the action.

The approaching of a vulnerable victim, the removal of her to an isolated area and then, you know, the completion of the . . . theft, the taking of the car is a—it's a series of events that appear less a result of an impulse control issue than of a more planned series of steps. So, I mean to the extent that the court takes into consideration the nature of the underlying offense, it's in that consideration of how the nature of the underlying offense reflects on the nature of the underlying issues presented with respect to [the Appellant], through that, I guess, guiding light of amenability as defined in *Davis*.

5. *The public safety*

Lastly, the court addressed the safety of the public:

[T]he [c]ourt . . . received testimony and evidence related to recidivism rates as applied to both the adult penal system and the adult juvenile justice system [C]ertainly the recidivism rates as represented are lower for the juvenile facilities available [than] the statistics or the numbers that were provided as it related to the adult system. You know, the reality being what it is, unfortunately we're always kind of working a few years behind on the data that we have for those rates.

* * *

[T]he largest data we had for the adult recidivism rates was from 2019 to 2021. I believe coming in right around 33 percent. The rates for the . . . hardware secured juvenile facilities, coming in right around 14 percent. . . . [T]he data presented demonstrating a lower recidivism rate in the juvenile side of things than the adult side of things.

* * *

You know, in considering the element of the public safety, looking at the transfer waiver[/]psychological assessment report that was prepared by Dr. Tilghman, obviously, there's a significant amount of data and information set forth in this. I'll circle back here in a moment, I guess, and touch on some of the additional matters, but with respect to the public safety factor and reviewing the amenability, public safety in the context of how that slots into considerations of amenability.

On page 9 of this document, we get into the risk assessment. And I mean the court cannot help but note that the risk assessment, the very first sentence is that the following structured professional judgment measure of risk for violence was completed without including the instant offense. I mean, that makes sense. There's not been an adjudication at the juvenile level or a finding of guilt at the adult level. However, it strikes the court that we're looking at a risk assessment here that has expressly not factored in what I think is unquestionably the most egregious of the alleged criminal behavior.

Again, I'm not sitting her saying that I'm, for purposes of this[,] deeming . . . [the Appellant] guilty of the underlying offense. But the—when there's a, you know, a historical adjudication of battery, a historical adjudication related to the taking of a vehicle, and then allegations in the nature or allegations in the instant offense of both of those combined on a vulnerable victim, you know, the structured assessment of violence, risk and youth [SAVRY],^[18] you know, Dr. Tilghman's report . . . said[,] based on these factors, the estimate of future risk of violence while in the community is in the moderate to high range.

You know, that moderate to high range is, again, a cause of concern for the court. Overall, [Appellant] has 17 out of 24 elevated risk factors. That's—by all appearances, that's substantial. I mean, we've got [the Appellant], 17 years and 1 month. The available time in the juvenile system within which all of these available therapeutic modalities through the [Peace] Academy or through whatever other resources DJS has at its disposal to apply in the instant case, there are 3 years and 11 months for those resources and those services to do what they need to do.

You know, I made a point of asking Ms. Wilson on the stand, what happens when a youthful offender turns 21. And she was appreciably candid about it. Well, we work with the youth, we outline options that are available for continued treatment, [b]ut it's at that stage, wholly voluntary. There's no legal authority under which DJS can compel the continued involvement of that youth. It—I mean, not to put too fine a point on it, but if the youth on their 21st birthday say's that's it, I'm done, well that's it. They're done.

And again, what this [c]ourt has wrestled with significantly is, you know, weighing the evidence before it as to whether, with the history that we have present in this case of the historical provision of substantial resources through the Department of Social Services during [Appellant's] time in the custody of that agency, over a period of six years, multiple residential

¹⁸ As indicated on the Appellant's Transfer/Waiver Psychological Assessment Report, "SAVRY" stands for "Structured Assessment of Violence Risk in Youth."

treatment center stays and still notwithstanding the provision of – I mean, again, I preside in the CINA docket.

Placing a child in a residential treatment center is the most restrictive available placement for children who are in the care of the Department of Social Services. And after the provision of that most restrictive level of care, we have continuing and heightening concerning behaviors. Aggression towards other children in the program, aggression towards the DSS worker herself, who I believe recounted to Dr. Tilghman that just about a year prior to her interview with Dr. Tilghman, there was an incident between [another person] and [the Appellant].

They were out at McDonald's or something somewhere getting food and there was an unprompted, you know, violent outburst by [the Appellant] directed at [another person]. I think it largely resulted in kind of hitting on the car and those sorts of things.

And then there's a pattern of elopement, of going AWOL, I think from group homes, from family placement, from foster placement and the ultimate elopement from hotel placement, where [Appellant] was placed in a hotel with a one to one, which is clearly the, at least in this [c]ourt's view, the least ideal placement for any child that finds themselves in the care and custody of the Department of Social Services.

But over time, you know, after the provision of resources analogous to what is being proposed respectively, the behaviors did not change for the better. They, in fact, got worse, culminating in [the Appellant's] arrest on the present offense. You know, the contacts historically with the Department of Juvenile Services had no discernable positive impact. The period of probation following the battery did not . . . end successfully, did not end with [the Appellant] having availed herself of those resources and essentially having held up her end of that bargain.

6. *The ruling of the court*

After considering the evidence in detail against the CP § 4-202(d) factors, the court delivered its ruling and denied Appellant's motion to transfer to the juvenile court:

Ultimately, what it comes down to is does this court or can this court find by a preponderance of the evidence that what is proposed is going to work in the way that it's supposed to. You know, I very much appreciate the arguments that [Appellant's counsel] made and we're talking about recidivism rates, you know. There's a certain level of prognostication that we have to engage in in these proceedings, but none of us is clairvoyant, you know, none of us can say with any real degree of certainty, even when we have statistics demonstrating that there is a 14 percent recidivism rate, whether any particular child is going to fall within the 86 percent who don't or the 14 percent who do.

You know, past isn't necessarily prologue, but history can be a fair teacher. The history causes this court tremendous concern, tremendous concern. Whether in the remaining three years and 11 months that are left in total and that time frame, I think is shortened for the availability of the hardware secured juvenile facilities that are determined presently to be what is necessary. You know, the older [the Appellant] gets, you know, in the absence of progress, those more secure, more intensive facilities and modalities become less available.

You know, compare that to the adult system. You know, there is . . . a significantly longer potential period of oversight in the adult system than there is in the juvenile system. There are programs available in the adult system for youthful offenders. There are programs available through Patuxent. There are programs available within the Department of Corrections itself. And then upon release from any sentence, the court has up to five years of continued oversight on probation with whatever additional conditions the court deems necessary as it relates to mental health treatment, behavioral modification treatment, you know, any potential underlying substance abuse issues.

You know, the degree of services that are noted as being

required and the time frame within which the juvenile system has to see that through to completion is significantly shorter than what would be available in the adult system. And understanding the preponderance of the evidence is—well, I guess with the exception of the reasonable grounds standard at a temporary protective order hearing, you know, preponderance of the evidence standard is the lowest burden that we have.

You know, it's certainly well below beyond a reasonable doubt in the criminal context, it's below clear and convincing, but it requires that the needle be moved, you know, and where the evidence essentially leaves everything hanging in some balance or equipoise, the needle hasn't moved. All of which is to say that upon the court's review of everything that has been presented and while the court does find that there are available DJS programs to address the underlying needs and the underlying issues, on the history and the record before the court, the court is unable to find by a preponderance of the evidence . . . that the child would benefit from the available DJS program better than he or she would from anything likely to be available in the adult system. Accordingly, the court is going to deny the motion to transfer to juvenile services or to the juvenile system.

7. *Analysis*

We have included extensive excerpts from the circuit court's analysis and ruling to acknowledge how, in following the guidance from the Supreme Court in *Davis v. State*, 474 Md. 439 (2021), the circuit court evaluated explicitly and in detail “whether it is likely that the child would benefit from an available DJS program better than . . . she would from anything likely to be available in the adult system and whether that would reduce the likelihood of recidivism and make the child a more productive law-abiding person.” *Id.* at 464. If a program available through DJS is not likely to benefit a child “in a way that will produce better results than anything in the adult system and significantly lessen [her]

danger to the public, a reverse waiver request should be denied, because there is then no point in sending the case, over which the General Assembly has given the criminal court exclusive original jurisdiction, to the Juvenile Court.” *Id.* at 466. The circuit court made specific findings as to each of the five factors contained in CP § 4-202(d), and focused as it should on Appellant’s amenability to treatment.

The court examined Appellant’s placement history in several RTCs, which amounted to “just under three years of time in the total roughly six years that [Appellant] was in the custody of the Department of Social Services” The court noted Appellant’s “history of aggressive behavior with youth and staff, as well as a refusal to engage in therapy and residential placements, making it difficult for the department to find placement for her.” But despite receiving services through BCDSS that the court found to be “analogous to what is being proposed respectively,” Appellant’s behaviors continued to decline, “culminating in [her] arrest on the present offense.” In articulating its understanding of a hardware secure placement through DJS, the court described it as “[e]ssentially . . . a residential treatment center that locks from the outside.” The court underscored its “tremendous concern” with Appellant’s “continuing and heightening concerning behaviors” after receiving services from RTCs through BCDSS.

The court didn’t find compelling Appellant’s assertion that placement in an RTC would have a beneficial outcome—even though her prior RTC placements hadn’t—because Appellant is now older and her brain has developed significantly since she was last in an RTC. Relying on its familiarity with adolescent brain development from presiding

over the CINA docket for the prior two years, the court described an “ample opportunity to be educated and apprised of the neurobiology of trauma, the neurological development of adolescence, . . . [and] the general consensus . . . that . . . the human brain is still developing into the mid-twenties.”

As Appellant argues, the court did indeed acknowledge “the data . . . demonstrating a lower recidivism rate in the juvenile side of things than the adult side of things.” But the court was free to consider the statistical evidence and assign weight to it as it deemed appropriate. We discern no abuse of discretion in the trial court’s decision to weigh Appellant’s history of refusals to engage in treatment and her continued delinquent behavior following RTC placements more heavily than the recidivism rates when assessing her amenability to treatment.

The court expressed trepidation as well about “the degree of services that are noted as being required and the timeframe within which the juvenile system has to see that through to completion,” given that the juvenile court’s authority ends when a youth reaches the age of twenty-one. At the same time, the court observed “a significantly longer period of oversight in the adult system[,] . . . programs available in the adult system for youthful offenders[,] [a]nd then upon release from any sentence, the court has up to five years of continued oversight on probation with whatever additional conditions the court deems necessary as it relates to mental health treatment, behavior modification treatment, . . . [and] any potential underlying substance abuse issues.” The court seemed to acknowledge that neither path fit perfectly, then chose the one that, in its view, fit better.

We are bolstered in our assessment of the court’s analysis by the way this case compares to other reverse waiver cases that have come before us. In *Carini v. State*, 268 Md. App. 391 (2026), for example, the appellant was sixteen years old at the time he was charged as an adult with first-degree attempted murder. *Id.* at 395. The circuit court denied his motion to transfer to juvenile court, saying in regard to Mr. Carini’s PTSD diagnosis that “you can’t address it in just a few months and the average stay at a juvenile facility would be 3.25 months.” *Id.* at 410. Furthermore, Mr. Carini continued to engage in criminal activity despite his repeated contacts with DJS and had not followed through with treatments and therapy offered to him in the past. *Id.* at 415. We affirmed the trial court’s denial of his motion to transfer, holding that “[t]he circuit court did exactly what was required of it by our case law when it denied [Mr.] Carini’s motion to transfer to juvenile court.” *Id.* at 417.

Similarly, in *Rohrbaugh v. State*, 257 Md. App. 638 (2023), we held that the trial court did not abuse its discretion by denying the defendant’s motion to transfer to juvenile court. *Id.* at 665–67. Mr. Rohrbaugh was sixteen years old when he was charged as an adult in two separate cases involving firearms. *Id.* at 643. There, too, the trial court noted the limited time that the juvenile system would have to work with him, especially considering the amount of therapy recommended. *Id.* at 663. Mr. Rohrbaugh argued that the court placed too much emphasis on the fact that he would only be eligible for services until he turned twenty-one. *Id.* at 662. We disagreed, noting that “[t]he court determined that the best available intervention was to keep Mr. Rohrbaugh in the adult system. Although the

court based that determination in part on Mr. Rohrbaugh's age, the court also considered the other four factors in reaching that decision." *Id.* at 666.

In this case, the circuit court exercised its discretion properly in denying Appellant's motion to transfer to the juvenile court. The court provided a thorough and careful review of the five factors and emphasized the Appellant's amenability to treatment. We disagree that the court "paid mere lip-service to the five-factor analysis outlined in *Davis*, while casting aside and distorting credible evidence in the record regarding [Appellant's] amenability to treatment." Although we as individuals and trial judges might or might not have weighed the evidence differently, the court's assessment was reasonable and the record supports it. And we discern no abuse of discretion in the court's consideration of the evidence of the "historical provision of substantial resources through the Department of Social Services;" the "just under three years . . . wherein [Appellant] was placed in a residential treatment center;" and "the contacts historically with the Department of Juvenile Services [having] no discernable positive impact," in assessing the public safety and Appellant's amenability to treatment.

We disagree also with Appellant's contention that the court presumed her guilty of the alleged offense when considering "[t]he nature of how this specific carjacking was purported to have occurred." And *Whaley v. State*, 186 Md. App. 429 (2009), doesn't compel a contrary conclusion. Unlike this case, the trial court in *Whaley* stated outright that it was required to assume that the child was guilty of the alleged crime. *Id.* at 448. Here, the court stated unambiguously that it was not "deeming [the Appellant] guilty of the

underlying offense.” The trial court framed its assessment of the nature of the alleged crime as converging with all of the factors to establish the likelihood of Appellant’s amenability to treatment. To that end, the court’s conclusion that the alleged crime seemed “a more calculated endeavor than an impulsive endeavor” was not a presumption of guilt, but an assessment of the safety of the public and the Appellant’s amenability to treatment.

We agree with the State that the circuit court’s analysis of the nature of the alleged crime in this case tracks more closely with *Gaines* and *Rohrbaugh*. In *Gaines*, 201 Md. App. 1 (2011), the circuit court specified that it was taking the appellant’s level of participation in the alleged crime into account and used the appellant’s name in that assessment. *Id.* at 15. Nonetheless, we held that the court did not improperly presume the appellant’s guilt, “[b]ut, even if the circuit court had weighed the level of appellant’s alleged participation, it would not have erred in doing so. It is difficult, if not impossible to consider ‘the nature of the alleged crime,’ which the court must do, without considering the actions taken by the alleged perpetrators to commit that crime.” *Id.* at 14. Likewise, in *Rohrbaugh* we found no error with the “modicum of guilt” the court implied when it stated that the appellant had “re-offended” or when it “ma[de] some inferences regarding Mr. Rohrbaugh’s alleged participation in the charged crimes.” 257 Md. App. at 666. In support, we referred in that case to our holding in *Gaines* that “we do not interpret [the ‘nature of the alleged crime’] factor in the reverse waiver statute as being completely divorced from consideration of the actions taken by the alleged perpetrators.” *Id.* at 667 (*quoting Gaines*, 201 Md. App. at 14).

In summary, then, we perceive no reversible error in the circuit court’s assessment of the nature of the alleged crime and discern no abuse of discretion in its analysis and application of the *Davis* factors. In rendering its decision, the circuit court quoted directly from *Davis* and concluded that “while the court does find that there are available DJS programs to address the underlying needs and the underlying issues, on the history and the record before the court, the court is unable to find by a preponderance of the evidence that . . . the child would benefit from the available DJS program better than . . . she would from anything likely to be available in the adult system. The record reflects the circuit court’s thorough consideration of all required factors and a sound exercise of discretion in denying Appellant’s motion to transfer to juvenile court.

Neither the circuit court nor we reach this conclusion lightly. The question the circuit court was asked and that we are reviewing is a difficult one, and the analysis requires a delicate balancing of factors, not a precise mathematical calculation. On this record, though, the circuit court considered the factors and exercised its discretion appropriately in deciding to deny Appellant’s motion for a reverse waiver.

**JUDGMENT OF THE CIRCUIT COURT
FOR CECIL COUNTY IS AFFIRMED.
COSTS TO BE PAID BY APPELLANT.**