



IN THE MISSOURI COURT OF APPEALS EASTERN DISTRICT

DIVISION TWO

IN THE INTEREST OF: Q.L.B.) No. ED113007
)
) Appeal from the Circuit Court of
) St. Louis County
) Cause No. 23SL-JU00821
)
) Honorable Jason D. Dodson
)
) Filed: October 21, 2025

Introduction

Q.L.B. appeals the juvenile court’s judgment dismissing a juvenile delinquency petition and transferring him from the juvenile court’s exclusive jurisdiction to a court of general jurisdiction for prosecution under the general law (“certification”) under section 211.071.1.¹ In his sole point on appeal, Q.L.B. argues the juvenile court erred and abused

¹ This Court uses “the term ‘juvenile court,’ even though the juvenile division is not a separate court but is instead a division of the circuit court[.]” *J.N.W. v. Juv. Officer*, 643 S.W.3d 618, 623 n.1 (Mo. App. W.D. 2022). “[T]he term ‘juvenile court’ is defined in chapter 211 to refer to the ‘court’ with statutory authority to adjudicate criminal charges against a ‘child’ as defined in that chapter.” *Id.*; see also section 211.021(3) (defining “juvenile court” to mean “the juvenile division or divisions of the circuit court of the county, or judges while hearing juvenile cases assigned to them.”). “A judgment dismissing a juvenile from the juvenile division’s jurisdiction is final and appealable.” *D.E.G. v. Juv. Officer of Jackson Cnty.*, 601 S.W.3d 212, 218 (Mo. banc 2020). All statutory references are to Cum. Supp. 2021.

its discretion in admitting a victim impact statement during the certification hearing which he claims violated his right to due process. Q.L.B. contends the victim impact statement was unduly prejudicial because it was irrelevant to whether he should be certified and violated his presumption of innocence. This Court holds the juvenile court did not abuse its discretion in admitting the victim impact statement because it was admissible under section 211.171.9 and no presumption of innocence is implicated at a certification hearing. Alternatively, even if the statement were inadmissible, Q.L.B. cannot prove prejudice because the juvenile court properly applied the statutory certification criteria—without referring to the victim impact statement—in reaching its decision. Point I is denied.

The juvenile court's judgment is affirmed.

Factual and Procedural History

On November 2, 2023, the Juvenile Officer filed a petition alleging Q.L.B. was fifteen and was in need of care and treatment for allegedly participating in a carjacking while acting with other juveniles. The carjacking began with firing shots into the rear window of A.T.'s vehicle with her 11-month-old child in the backseat at the time and included a high-speed police chase. These crimes, if committed by an adult would be: (1) class B felony first-degree assault; (2) class D felony first-degree child endangerment; (3) class B felony unlawful use of a weapon; and (4) class E felony resisting or interfering with an arrest. The Juvenile Officer contemporaneously moved to dismiss the petition so the juvenile court could hold a hearing to determine whether Q.L.B. should be certified. Counsel was appointed. The cause was set for a certification hearing. The

Juvenile Officer amended the petition to include an additional class A misdemeanor offense of resisting or interfering with an arrest.

The deputy juvenile officer (“Deputy Officer”), testified at the certification hearing. Deputy Officer’s report, prepared as directed under section 211.071, was admitted without objection. Deputy Officer testified to the facts supporting his recommendation Q.L.B. not be certified and remain in the juvenile justice system. Before Deputy Officer was cross-examined, the juvenile court asked him for additional information about Q.L.B.’s alleged role in the incident. Deputy Officer explained the police report stated Q.L.B., along with two companions,² were in a minivan following A.T., who was returning to her home with her child in the backseat. As she approached her home, the minivan veered around her car to block her from getting into her driveway. Two companions exited the minivan and drew firearms. A.T. put the car in reverse, which prompted the two companions to get back into the minivan and follow A.T. until she crashed into a curb. A shot was fired from the minivan, shattering A.T.’s rear window. The minivan fled. Later that afternoon, police located the minivan, and a high-speed chase allegedly ensued. Two juveniles exited the vehicle and were detained after being chased on foot. Although the police report was unclear whether Q.L.B. was one of the juveniles who fled, the report noted he was a passenger and “he threw the gun.”

After Deputy Officer’s testimony concluded, the juvenile court asked the Juvenile Officer if he had additional evidence to present. The Juvenile Officer stated, “No formal

² Deputy Officer was unsure whether both companions were juveniles.

evidence, Your Honor, but I would like to give [A.T.] an opportunity to make a statement.” Q.L.B. objected on two grounds. First, he argued the statement was not permitted under the statute because it was only appropriate at dispositional hearings after guilt was established. Second, he asserted his presumption of innocence, and argued that considering a victim impact statement at a certification hearing violated that presumption. The Juvenile Officer responded A.T. had a statutory right to make a statement at this hearing and if the juvenile court certified Q.L.B., it would be A.T.’s only opportunity to address the juvenile court. Q.L.B. reiterated his objection and stated if any statement could be made, it should be limited. The juvenile court overruled Q.L.B.’s objection, finding the juvenile court’s victim advocate “typically does a good job about ... setting the ground rules, which is to say [A.T.] can certainly discuss impact, but I don’t need direction or advice on how to move forward” and allowed A.T. to give her statement.

A.T. summarized “the enduring emotional, psychological, physical and temporal costs” she and her family endured since the incident. A.T. characterized the attempted carjacking as a “near-death experience” which changed “almost every aspect” of her life. A.T. described the terror of having her rear window shot out just inches from where her other child typically sits. A.T. recounted her struggle to overcome the incident’s psychological aftermath, including needing aggressive immersion therapy to be comfortable driving again and experiencing daily anxiety attacks. A.T. explained the incident “triggered a deeply-rooted trauma” she has carried from her childhood when she moved from Bosnia to the United States as a child, and the attempted carjacking shattered her sense of security. A.T. stated the incident caused significant financial stress, including

unforeseen medical expenses and extensive, costly repairs to her car. A.T. concluded by stating she trusted the court would “take into account the pervasive nature of this trauma in considering appropriate measures.”

After weighing all of the statutory factors in section 211.071.6(1)–(10), the juvenile court ordered Q.L.B. be certified. The juvenile court stated it observed Q.L.B., his mother, and his stepfather during the hearing and had “little confidence that [Q.L.B.] can be rehabilitated in the juvenile court if he is guilty of such terrible crimes” after observing the “attitudes” conveyed by Q.L.B. and his family throughout the proceedings, along with the evidence received.

This appeal follows. Additional facts will be adduced in the analysis to avoid repetition.

Standard of Review

“Appellate review of a juvenile court’s decision to terminate jurisdiction over a youthful offender is limited to determining whether in the totality of the circumstances the court abused its discretion.” *Int. of T.D.S.*, 643 S.W.3d 510, 516 (Mo. App. E.D. 2021). An abuse of discretion occurs when the juvenile court’s ruling “is so unreasonable and arbitrary that it shocks the sense of justice and is clearly against the logic of the surrounding circumstances.” *Int. of J.M.J.*, 707 S.W.3d 877, 881 (Mo. App. E.D. 2025) (quoting *Int. of D.J.S.*, 670 S.W.3d 249, 253 (Mo. App. E.D. 2023)). “In reviewing a juvenile court’s determination for an abuse of discretion, [this Court] will not reweigh the evidence nor determine the reliability or credibility of the witnesses.” *A.R.K. v. Juv. Officer*, 666 S.W.3d 233, 238 (Mo. App. W.D. 2023) (quoting *J.N.W.*, 643 S.W.3d at

631). This Court gives substantial deference to the juvenile court's admission of evidence at a certification hearing, which will not be disturbed absent an abuse of discretion. *T.D.S.*, 643 S.W.3d at 516. This Court "review[s] the admission of evidence for prejudice, not mere error." *Id.*

Discussion

Point I: Victim Impact Statement Admissibility Party Positions

Q.L.B. argues the juvenile court erred and abused its discretion in admitting A.T.'s statement during the certification hearing which violated his right to due process. Q.L.B. contends A.T.'s statement was unduly prejudicial because it was irrelevant to whether he should be certified and violated his presumption of innocence. The Juvenile Officer argues A.T.'s statement was properly before the juvenile court under section 211.171.9. The Juvenile Officer further argues even if A.T.'s statement were improperly admitted, Q.L.B. suffered no prejudice because the juvenile court's judgment demonstrates it considered all of section 211.071.6's certification criteria and did not refer to or rely on A.T.'s statement in reaching its decision.

Analysis

"[A] certification hearing is a critically important proceeding." *T.D.S.*, 643 S.W.3d at 517 (citing *Kent v. United States*, 383 U.S. 541, 560 (1986)). Yet, the United States Supreme Court "has never attempted to prescribe criteria for, or the nature of quantum of evidence that must support, a decision to transfer a juvenile for trial in an adult court." *Id.* at 516 (quoting *In the Int. of A.D.R.*, 603 S.W.2d 575, 580 (Mo. banc 1980)). "Chapter

211 prescribes procedures for proceedings in the juvenile system.” *Id.* at 518. Chapter 211’s provisions “shall be liberally construed” Section 211.011.

In bringing his constitutional challenge, Q.L.B. does not analyze section 211.171, “which prescribes generally the hearing procedure to be followed by juvenile courts.” *In Int. of Ray*, 602 S.W.2d 955, 958 (Mo. App. W.D. 1980). The juvenile court has discretion to determine the procedure to be followed at its hearings, which “may be as formal or informal as [the judge] considers desirable, consistent with constitutional and statutory requirements.” Section 211.171.1. The juvenile “judge may take testimony and inquire into the habits, surroundings, conditions and tendencies of the child and the family to enable the court to render such order or judgment as will best promote the welfare of the child *and carry out the objectives of this chapter.*” *Id.* (emphasis added). Specifically, 211.171.9 requires:

The court *shall* allow the victim to appear before the court personally or by counsel for the purpose of making a statement, unless the court finds that the presence of the victim would not serve justice. The statement shall relate solely to the facts of the case and any personal injuries or financial loss incurred by the victim.

(Emphasis added). This provision expressly affords a victim the right to address the juvenile court within the case’s factual confines and any personal injuries or financial losses the victim incurred. The statute does not limit or state at which specific juvenile hearing a victim shall be allowed to offer this statement. This Court will not read such limitations into the statute given section 211.011’s directive to liberally construe Chapter 211 provisions and our canons of statutory construction prohibiting us from adding words to a statute’s plain language to reach a particular result. *State ex rel. Bailey v. Fulton*, 659

S.W.3d 909, 913 n.3 (Mo. banc 2023) (holding to reach the party’s desired result, “this Court would have to add words to the statute, which this Court cannot do under the guise of statutory interpretation.”).

Q.L.B.’s argument is unavailing because he ignores this case’s procedural posture. This is a certification hearing. The focus “is on the juvenile, not the conduct alleged in the petition.” *State v. Nathan*, 404 S.W.3d 253, 259 (Mo. banc 2013). “The juvenile court is not required to find that these allegations are true, nor does it ‘assume’ they are true.” *Id.* at 260. “Even though the juvenile court may consider the allegations in the petition in deciding whether to relinquish its jurisdiction, section 211.071.6 refers solely to the nature of the offenses alleged, not whether the juvenile did (or did not) commit them.” *Id.* It is not until a juvenile is certified for prosecution under the general law that “they will then be afforded their full panoply of constitutional rights.” *T.D.S.*, 643 S.W.3d at 522. Thus, a certification hearing is “constitutional if a hearing is provided, the juvenile is given the right to counsel and access to his or her records, and it results in a decision that sets forth the basis for the decision to relinquish jurisdiction in a way that is sufficient to permit meaningful appellate review.” *Nathan*, 404 S.W.3d at 260 (citing *Kent*, 383 U.S. at 557–62). Thus, a “certification hearing is not an adjudication” *Int. of E.T.S.*, 663 S.W.3d 818, 828 (Mo. App. W.D. 2023).

Here, Q.L.B. does not dispute a hearing was held, he had access to his records, and the juvenile court’s judgment set forth the basis for its decision to relinquish juvenile jurisdiction sufficiently for this Court to conduct meaningful appellate review. Accordingly, this Court finds Q.L.B. was afforded the constitutional protections *Nathan*

recognized. Further, any presumption of innocence Q.L.B. may possess is not implicated at this proceeding because the juvenile court is not adjudicating guilt or innocence when deciding certification.

Even if the juvenile court erred in admitting A.T.'s statement at this hearing—which we do not hold—Q.L.B. would have to demonstrate prejudice for this Court to reverse the judgment. *T.D.S.*, 643 S.W.3d at 516. Q.L.B. summarily argues “[b]ecause it is impossible to separate out the uniquely powerful victim impact evidence from the evidence properly before the court, the judgment must be reversed.”

The juvenile court must consider ten criteria when “determining whether the child is a proper subject to be dealt with under the provisions of this chapter and whether there are reasonable prospects of rehabilitation within the juvenile justice system.” Section 211.071.6. “The criteria listed in section 211.071.6 are not exclusive and the juvenile court need not give equal weight to each one.” *T.D.S.*, 643 S.W.3d at 523. These criteria are:

- (1) The seriousness of the offense alleged and whether the protection of the community requires transfer to the court of general jurisdiction;
- (2) Whether the offense alleged involved viciousness, force and violence;
- (3) Whether the offense alleged was against persons or property with greater weight being given to the offense against persons, especially if personal injury resulted;
- (4) Whether the offense alleged is a part of a repetitive pattern of offenses which indicates that the child may be beyond rehabilitation under the juvenile code;
- (5) The record and history of the child, including experience with the juvenile justice system, other courts, supervision, commitments to juvenile institutions and other placements;

- (6) The sophistication and maturity of the child as determined by consideration of his or her home and environmental situation, emotional condition and pattern of living;
- (7) The age of the child;
- (8) The program and facilities available to the juvenile court in considering disposition;
- (9) Whether or not the child can benefit from the treatment or rehabilitative programs available to the juvenile court; and
- (10) Racial disparity in certification.

Section 211.071.6(1)–(10). “The first three factors contain some of the most critical considerations in certification.” *T.D.S.*, 643 S.W.3d at 527. Further, “[t]he juvenile court may rely on the alleged crime’s serious nature as ‘the dominant criterion among the ten factors.’” *A.R.K.*, 666 S.W.3d at 239 (quoting *State v. Thomas*, 70 S.W.3d 496, 504 (Mo. App. E.D. 2002)).

Q.L.B. does not cite, analyze, or challenge the “evidence properly before the court” supporting the ten criteria in section 211.071.6. The juvenile court analyzed all ten criteria, but found the first three factors carried “great weight” favoring certification. The juvenile court specifically found the pending allegations were “extremely serious” because it was alleged Q.L.B. and his companions committed a targeted carjacking where shots were fired. The juvenile court recounted the facts Deputy Officer testified to from the police report and found this factor weighed in favor of community protection and certification. The juvenile court found the second factor weighed in favor of certification because “the alleged predatory behaviors of [Q.L.B.] and his companions, involve viciousness, force, violence and a complete disregard for community safety and human

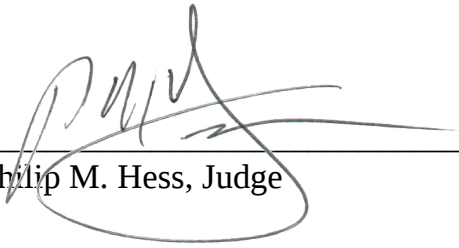
life.” The juvenile court further found the third factor weighed in favor of certification because the crimes were “against multiple persons, the small child and [A.T.] who were allegedly targeted” but noted the two sustained no physical injuries. These findings alone were sufficient to support the juvenile court’s decision to transfer Q.L.B. to a court of general jurisdiction, even if the other criteria was neutral or weighed in his favor. *T.D.S.*, 643 S.W.3d at 527.

The juvenile court’s judgment does not refer to or cite any portion of A.T.’s statement in applying the ten statutory criteria. Q.L.B. offers no specific counter to any of these findings other than to remark upon the juvenile court’s finding the crimes he allegedly committed were “terrible,” and asks this Court to infer this characterization arose only after hearing A.T.’s statement. This Court rejects his invitation. This Court would be hard pressed to find someone who objectively disagreed that a targeted carjacking of a mother and young child with a shot being fired through the rear window just inches from where the young child was seated was anything other than a “serious” offense “against persons” involving “viciousness, force, and violence.” See section 211.071.6(1)–(3). Q.L.B. cannot demonstrate he suffered any prejudice. The juvenile court did not abuse its discretion in admitting A.T.’s statement at the certification hearing.

Point I is denied.

Conclusion

The juvenile court's judgment is affirmed.



Philip M. Hess, Judge

Michael S. Wright, P.J. and
Virginia W. Lay, J. concur.