

Applying *In re: D.M.* – Juv.R. 24 and Transfer

In *In re D.M.*, Slip Opinion No. 2014-Ohio-3628, the Ohio Supreme Court held that Juv.R. 24 applies in bindover hearings. Prosecuting attorneys are under a duty imposed by the Due Process Clauses of the Ohio Constitution and the United States Constitution and by Juv.R. 24(A)(6) to disclose to a juvenile respondent all evidence in the state's possession that is favorable to the juvenile and material either to guilt, innocence, or punishment. It is an abuse of discretion for a juvenile court not to perform an in camera inspection of documents a party claims are privileged, or otherwise not discoverable, prior to ordering the party to turn the documents over to the opposing party or issuing sanctions.

