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his license revocation. We vacate the sentence and remand the cause for resentencing.

SENTENCE VACATED, AND CAUSE REMANDED FOR RESENTENCING.

STATE OF NEBRASKA, APPELLEE, V.
JERAD N. PARKS, APPELLANT.
803 N.W.2d 761

Filed September 30, 2011. No. S-11-092.

1. **Criminal Law: Courts: Juvenile Courts: Jurisdiction: Appeal and Error.** A trial court's denial of a motion to transfer a pending criminal proceeding to the juvenile court is reviewed for an abuse of discretion.
2. **Statutes: Appeal and Error.** Statutory interpretation presents a question of law, for which an appellate court has an obligation to reach an independent conclusion irrespective of the determination made by the court below.
3. **Jurisdiction: Appeal and Error.** Jurisdictional questions can be raised by the Nebraska Supreme Court sua sponte.
4. ____: ____. A jurisdictional question which does not involve a factual dispute is determined by an appellate court as a matter of law.
5. **Criminal Law: Courts: Juvenile Courts: Jurisdiction.** Under Neb. Rev. Stat. § 43-247 (Reissue 2008), when a juvenile has been charged with a felony, the district court and the juvenile court have concurrent jurisdiction.
6. **Juvenile Courts: Jurisdiction.** The juvenile court's jurisdiction over any individual adjudged to be within the provisions of Neb. Rev. Stat. § 43-247 (Reissue 2008) shall continue until the individual reaches the age of majority or the court otherwise discharges the individual from its jurisdiction.
7. **Juvenile Courts: Words and Phrases.** For purposes of the Nebraska Juvenile Code, "age of majority" means 19 years of age and "juvenile" means any person under the age of 18.
8. **Statutes.** Absent a statutory indication to the contrary, words in a statute will be given their ordinary meaning.
9. **Statutes: Appeal and Error.** An appellate court will not read anything plain, direct, or unambiguous out of a statute.
10. **Statutes.** A court must attempt to give effect to all parts of a statute, and if it can be avoided, no word, clause, or sentence will be rejected as superfluous or meaningless.
11. ____. A court must place on a statute a reasonable construction which best achieves the statute's purpose, rather than a construction which would defeat that purpose.
12. **Statutes: Intent: Appeal and Error.** In construing a statute, an appellate court looks to the statutory objective to be accomplished, the evils and mischiefs sought to be remedied, and the purpose to be served.

13. **Statutes: Appeal and Error.** Statutory language is to be given its plain and ordinary meaning, and an appellate court will not resort to interpretation to ascertain the meaning of statutory words which are plain, direct, and unambiguous.

Appeal from the District Court for Lancaster County: JODI NELSON, Judge. Affirmed.

Dennis R. Keefe, Lancaster County Public Defender, and Shawn Elliott for appellant.

Jon Bruning, Attorney General, and Nathan A. Liss for appellee.

HEAVICAN, C.J., WRIGHT, CONNOLLY, GERRARD, STEPHAN, MCCORMACK, and MILLER-LERMAN, JJ.

HEAVICAN, C.J.

INTRODUCTION

Jerad N. Parks appeals his convictions and sentences for attempted second degree sexual assault and felony child abuse, alleging that the district court erred when it refused to transfer his case to the juvenile court. Parks also claims that because he was a juvenile at the time of the offenses, the district court erred in finding him subject to the Sex Offender Registration Act (SORA), Neb. Rev. Stat. §§ 29-4001 to 29-4014 (Reissue 2008 & Supp. 2009), and the Sex Offender Commitment Act (SOCA), Neb. Rev. Stat. §§ 71-1201 to 71-1226 (Reissue 2009). We affirm.

BACKGROUND

Parks was originally charged with first degree sexual assault on a child. The victim, E.C., is Parks' nephew, and the alleged offenses occurred between May 1 and September 16, 2000. At the time of the offenses, E.C. was 5 years old and Parks was 14 or 15 years old. E.C. first reported the assault in 2009, and Parks was arrested and charged shortly thereafter. Further details of the offenses will be discussed below.

Parks filed a motion to transfer to the juvenile court because he was a juvenile at the time of the offenses, although he was 24 years of age at the time he was charged. The district court denied the motion to transfer, and Parks filed an interlocutory appeal, which was dismissed for lack of jurisdiction.

Parks then pled no contest to one count of attempted second degree sexual assault and one count of felony child abuse. The district court sentenced Parks to 180 days in jail and 3 years' probation. The district court also ordered Parks to register as a sex offender as required by Nebraska law, to undergo a sex-offender-specific evaluation, and to comply with any treatment recommendations of the evaluation as directed by his probation officer. Parks appeals from his convictions and sentences.

ASSIGNMENTS OF ERROR

Parks assigns that the district court erred in (1) denying his motion to transfer to the juvenile court and (2) finding that he was subject to the requirements of SORA and SOCA, because he was a juvenile at the time of the offense.

STANDARD OF REVIEW

[1] A trial court's denial of a motion to transfer a pending criminal proceeding to the juvenile court is reviewed for an abuse of discretion.[1]

[2] Statutory interpretation presents a question of law, for which an appellate court has an obligation to reach an independent conclusion irrespective of the determination made by the court below.[2]

ANALYSIS

Trial Court Did Not Err When It Denied Parks' Motion to Transfer Case to Juvenile Court.

Parks first argues that the trial court erred when it denied his motion to transfer the case to juvenile court. Parks admits that such a transfer would be tantamount to a dismissal, because under Neb. Rev. Stat. § 43-247 (Reissue 2008), the juvenile court's jurisdiction ends once the juvenile reaches the age of majority. However, Parks claims that his age at the time of the offense mandates a transfer to the juvenile court, and he alleges that a "delay in the prosecution" has "depriv[ed] him the protection of the juvenile court system."[3]

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[1] *State v. Goodwin*, 278 Neb. 945, 774 N.W.2d 733 (2009).

[2] *State v. Tamayo*, 280 Neb. 836, 791 N.W.2d 152 (2010).

[3] Brief for appellant at 13.

Parks points us to *Roper v. Simmons*,[4] alleging that *Roper* sets forth the differences in adult and juvenile criminal culpability. Parks also cites *Graham v. Florida*[5] for the proposition that juveniles have lessened culpability.

Roper presents a very different issue, however: whether it is cruel and unusual punishment to impose the death penalty when the offense was committed while the defendant was a juvenile.[6] *Roper* does not require that a juvenile be tried in the juvenile court under all circumstances, or in all cases; instead, it holds that a person cannot be sentenced to death if he or she committed the crime while a juvenile, because that would be a violation of the Eighth Amendment to the U.S. Constitution. And *Graham* addressed the issue of whether the imposition of life without parole on a juvenile who had not committed homicide could be considered cruel and unusual punishment.[7] Neither *Roper* nor *Graham* gives Parks an unassailable right to be tried as a juvenile for crimes he committed while a juvenile.

[3,4] In fact, under the plain language of our statutes, the juvenile court would never have jurisdiction in a case such as this one. Although the State did not raise the issue, jurisdictional questions can be raised by the Nebraska Supreme Court sua sponte.[8] A jurisdictional question which does not involve a factual dispute is determined by an appellate court as a matter of law.[9]

[5-7] Under § 43-247, when a juvenile has been charged with a felony, the district court and the juvenile court have concurrent jurisdiction.[10] However, § 43-247 states that "the juvenile court's jurisdiction over any individual adjudged to

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[4] *Roper v. Simmons*, 543 U.S. 551, 125 S. Ct. 1183, 161 L. Ed. 2d 1 (2005).

[5] *Graham v. Florida*, 560 U.S. 48, 130 S. Ct. 2011, 176 L. Ed. 2d 825 (2010).

[6] *Roper, supra* note 4.

[7] *Graham, supra* note 5.

[8] *State ex rel. NSBA v. Krepela*, 259 Neb. 395, 610 N.W.2d 1 (2000).

[9] *Malolepszy v. State*, 270 Neb. 100, 699 N.W.2d 387 (2005).

[10] See *Goodwin, supra* note 1.

be within the provisions of this section shall continue until the individual reaches the age of majority or the court otherwise discharges the individual from its jurisdiction." For the purposes of the Nebraska Juvenile Code, "[a]ge of majority means nineteen years of age" and "[j]uvenile means any person under the age of eighteen."[11]

[8-12] Absent a statutory indication to the contrary, words in a statute will be given their ordinary meaning.[12] An appellate court will not read anything plain, direct, or unambiguous out of a statute.[13] A court must attempt to give effect to all parts of a statute, and if it can be avoided, no word, clause, or sentence will be rejected as superfluous or meaningless.[14] A court must place on a statute a reasonable construction which best achieves the statute's purpose, rather than a construction which would defeat that purpose.[15] In construing a statute, an appellate court looks to the statutory objective to be accomplished, the evils and mischiefs sought to be remedied, and the purpose to be served.[16]

Under the plain language of the juvenile code, the juvenile court's jurisdiction ends when the juvenile reaches the age of majority, but the district court's jurisdiction continues. The district court therefore had sole jurisdiction over Parks, and it was not required to weigh the factors found under Neb. Rev. Stat. § 43-276 (Cum. Supp. 2010). For that reason, the district court did not err in denying Parks' motion to transfer.

SORA and SOCA.

Parks' second assignment of error is that the district court erred when it determined that he was subject to SORA and SOCA, because those laws do not apply to juveniles. Parks further claims that the main purpose of those laws is to protect

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[11] See Neb. Rev. Stat. § 43-245(1) and (7) (Cum. Supp. 2010).

[12] *Herrington v. P.R. Ventures*, 279 Neb. 754, 781 N.W.2d 196 (2010).

[13] *Id.*

[14] *Id.*

[15] *Id.*

[16] *Id.*

juveniles and not to punish them, and that therefore, he should not be subject to the requirements of SORA or SOCA.

First, we note that Parks has not been found to be subject to SOCA; hence, that claim is premature. The district court did notify Parks that his conviction for attempted second degree sexual assault was an offense requiring a civil commitment evaluation under Neb. Rev. Stat. § 29-4018 (Reissue 2008). However, Parks has not claimed that anyone alleged him to be a dangerous sex offender under § 71-1205. We addressed a similar issue in *State v. Schreiner*,[17] in which the defendant appealed the finding that he was subject to lifetime community supervision under Neb. Rev. Stat. § 83-174.03 (Cum. Supp. 2006). We found that the defendant would not be subject to lifetime community supervision until after his release from prison and that therefore, his claim was not ripe for review. Similarly, Parks will not be subject to SOCA until he is released from incarceration, so that claim is not ripe for review. The district court found that Parks was required to register as a sex offender under SORA, however.

Although Parks argues that SORA does not apply to juveniles, we need not decide whether SORA may ever be applied to juveniles who are adjudicated as having committed a registrable offense under § 29-4003. As discussed above, Parks' case properly remained with the district court. Parks pled no contest to attempted sexual assault in the second degree, a registrable offense as an adult, and was found guilty of the same by the district court.

[13] We agree with the State where it points out that § 29-4003(1)(a)(i) states that SORA shall apply to "any person" who pleads guilty to, pleads nolo contendere to, or is found guilty of attempted sexual assault in the second or third degree. As we noted above, statutory language is to be given its plain and ordinary meaning, and an appellate court will not resort to interpretation to ascertain the meaning of statutory words which are plain, direct, and unambiguous.[18] Therefore, Parks' second assignment of error is also without merit.

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[17] *State v. Schreiner*, 276 Neb. 393, 754 N.W.2d 742 (2008).

[18] *State v. Fuller*, 278 Neb. 585, 772 N.W.2d 868 (2009).

CONCLUSION

The district court did not abuse its discretion when it denied Parks' motion to transfer, because the juvenile court does not have jurisdiction over a person who has reached the age of majority. The mere fact that Parks was a juvenile at the time of the offenses does not automatically give him the right to be tried as a juvenile. Furthermore, because Parks pled no contest to a registrable offense under SORA, the plain language of the statute requires Parks to register as a sex offender.

AFFIRMED.

STATE OF NEBRASKA EX REL. COUNSEL FOR DISCIPLINE OF THE NEBRASKA SUPREME COURT, RELATOR, V. JEREMY R. SHIRK, ALSO KNOWN AS JEREMY MUCKEY-SHIRK, RESPONDENT.

803 N.W.2d 518

Filed September 30, 2011. No. S-11-319.

Original action. Judgment of public reprimand.

HEAVICAN, C.J., WRIGHT, CONNOLLY, GERRARD, STEPHAN, MCCORMACK, and MILLER-LERMAN, JJ.

PER CURIAM.

INTRODUCTION

Respondent, Jeremy R. Shirk, also known as Jeremy Muckey-Shirk, was admitted to the practice of law in the State of Nebraska on June 16, 2010, and in the State of Iowa on September 25, 2009. At all times relevant hereto, respondent was engaged in the private practice of law in Douglas County in Omaha, Nebraska. On April 19, 2011, formal charges were filed against respondent. The formal charges set forth one count and included the charge that respondent violated Neb. Ct. R. of Prof. Cond. § 3-508.4(a) through (d) (misconduct). The formal charges also allege respondent violated his oath of office as an attorney licensed to practice law in the State of Nebraska, as provided by Neb. Rev. Stat. § 7-104 (Reissue