

The Supreme Court of Ohio

FILED

MAY 02 2013

**CLERK OF COURT
SUPREME COURT OF OHIO**

State of Ohio

v.

Tyrone Lee Noling

Case No. 2011-0778

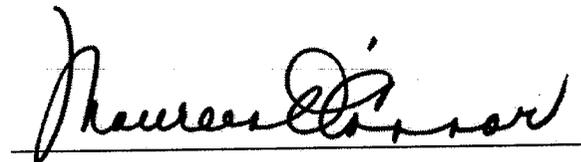
JUDGMENT ENTRY

APPEAL FROM THE
COURT OF COMMON PLEAS

This cause, here on appeal from the Court of Appeals for Portage County, was considered in the manner prescribed by law. On consideration thereof, the judgment of the trial court is reversed and this cause is remanded to the trial court to consider whether prior definitive DNA testing precludes appellant Tyrone Noling's second application for postconviction DNA testing. If not, the trial court should consider whether new DNA testing would be outcome-determinative, consistent with the opinion rendered herein.

It is further ordered that a mandate be sent to the Court of Common Pleas for Portage County to carry this judgment into execution and that a copy of this entry be certified to the Clerk of the Court of Common Pleas for Portage County for entry.

(Portage County Court of Common Pleas; No. 95CR220)



Maureen O'Connor
Chief Justice