

ORIGINAL

IN THE SUPREME COURT OF OHIO

State of Ohio, : Case Nos. 2008-1942 and 2008-2170
 :
 Plaintiff-Appellant, : On Appeal and Certified Conflict from
 : the Union County Court of Appeals,
 v. : Third Appellate District, No. 14-07-20
 :
 Raynell Robinson, : **Expedited Review Requested,**
 : **Appellee's Brief Due July 1, 2009.**
 :
 Defendant-Appellee :

**Motion of Appellee Raynell Robinson to Supplement the Record
 with a Sealed Copy of the Presentence Investigation Report
 and to Permit Counsel for Either Party to
 Review the Document in the Clerk's Office**

David W. Phillips, 0019966
 Union County Prosecutor

Melissa A. Chase, 0042508
 Assistant Prosecuting Attorney
 Counsel of Record

221 West Fifth Street, Suite 333
 Marysville, Ohio 43040
 (937) 645-4190; (937) 645-4191 (fax)
 mchase@co.union.oh.us

Richard Cordray, 0038034
 Ohio Attorney General

Benjamin C. Mizer, 0083089
 Solicitor General, Counsel of Record

Elisabeth A. Long, 0084128
 Deputy Solicitor

Lori J. Weisman, 0018480
 Assistant Solicitor

30 East Broad Street, 17th Floor
 Columbus, Ohio 43215
 614-466-8980; 614-466-5087 fax
 bmizer@ag.state.oh.us

Counsel for Amicus,
 the Ohio Attorney General

Office of the Ohio Public Defender

By: Stephen P. Hardwick, 0062932
 Assistant Public Defender

250 East Broad Street, Suite 1400
 Columbus, Ohio 43215
 (614) 466-5394
 (614) 752-5167 (fax)
 stephen.hardwick@opd.ohio.gov

Counsel for Appellee,
 Raynell Robinson

FILED
 JUN 12 2009
 CLERK OF COURT
 SUPREME COURT OF OHIO

Motion of Appellee Raynell Robinson to Reschedule Oral Argument, Appoint Counsel, and to Set a Deadline for Appellee to file a Jurisdictional Memorandum and/or a Merit Brief

Appellee asks this Court to supplement the record with the presentence investigation report, which is in the custody of the trial court. S.Ct.Prac.R. V, §7. At the sentencing hearing, the trial court stated that it was relying on the report. T.p. (sentencing) p. 8. Even though this is an appeal of a legal issue, the presentence investigation report frequently reports facts relevant to the facts of a case, and the report would likely give this court and counsel a more complete account of the events surrounding this case. Further, the report should have been made part of the record under S.Ct.Prac.R. V, §1, emphasis supplied:

In all appeals, the record on appeal shall consist of the original papers and exhibits to those papers; the transcript of proceedings and exhibits, along with an electronic version of the transcript, if available; and certified copies of the journal entries and the docket prepared by the clerk of the court or other custodian of the original papers. Where applicable, the record on appeal shall consist of all of the above items from both the court of appeals and the trial court.

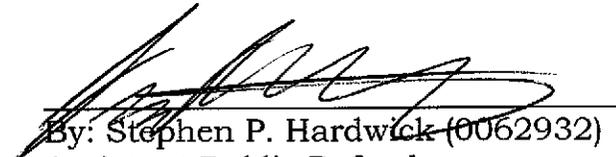
Counsel asks for expedited consideration of this motion because Appellee's brief is currently due on July 1, 2009. This motion is filed timely because Appellee files this motion only 11 days after this Court granted Appellee leave to file a brief.

According to local counsel and the trial court's staff, the trial court secures presentence investigation reports in a vault in the trial judge's chambers.

The report will be filed under seal, so Appellee asks that this Court order that counsel for either party be permitted to review the report while it is in the custody of this Court's Clerk.

Respectfully submitted,

Office of the Ohio Public Defender

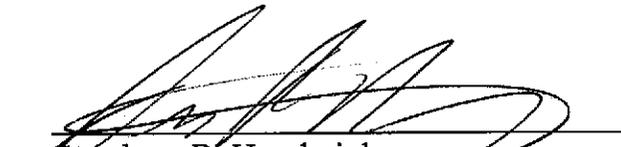

By: Stephen P. Hardwick (0062932)
Assistant Public Defender

250 East Broad Street, Suite 1400
Columbus, Ohio 43215
(614) 466-5394
(614) 752-5167 (Fax)

Counsel for Raynell Robinson

Certificate of Service

I certify that on June 12, 2009, a copy of the foregoing was served via email to Melissa A. Chase, Assistant Prosecuting Attorney, 937-645-4191 and mchase@co.union.oh.us; and via email to Benjamin C. Mizer, Solicitor General, bmizer@ag.state.oh.us.


Stephen P. Hardwick
Assistant Public Defender

Counsel for Raynell Robinson

#301869