

ORIGINAL

IN THE SUPREME COURT OF OHIO

STATE OF OHIO, :  
Appellee, : Case No. 10-1105  
-vs- : On Appeal from the Bulter County  
Court of Common Pleas, Hamilton, Ohio  
GREGORY C. OSIE, : Trial Case No. CR 2009-02-0302  
Appellant. : **This is a death penalty case.**

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**Motion to Supplement Record**

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ROBIN N. PIPER  
Prosecuting Attorney

Butler County Prosecutor's Office  
315 High Street, 11th Floor  
Hamilton, Ohio 45011  
(513) 887-3474

COUNSEL FOR APPELLEE

OFFICE OF THE  
OHIO PUBLIC DEFENDER

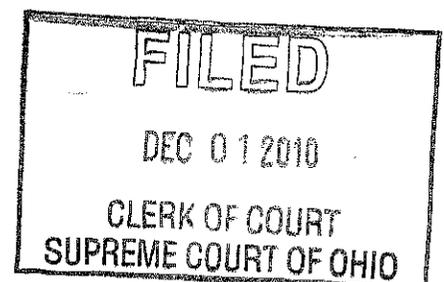
PAMELA PRUDE-SMITHERS (0062206)  
Chief Counsel, Death Penalty Division  
**Counsel of Record**

ANDREW J. KING (0080206)  
Assistant Public Defender

KELLE HINDERER (0085467)  
Assistant Public Defender

250 E. Broad Street, Suite 1400  
Columbus, Ohio 43215  
(614) 466-5394  
Fax: (614) 644-0708

COUNSEL FOR APPELLANT



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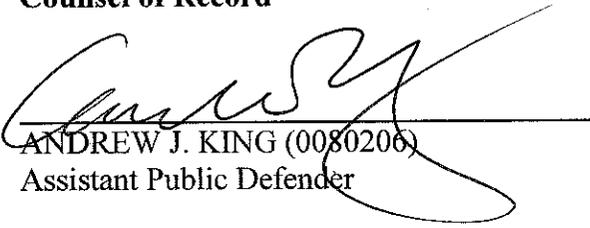
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Petitioner Gregory Osie, respectfully moves this Court, under S.Ct. Prac. R. 5.8 and 19.4, for an order directing the trial court to supplement the record with a transcript of the February 18, 2009 hearing. The reasons in support of this motion are set forth in the accompanying Memorandum.

Office of the Ohio Public Defender

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Chief Counsel, Death Penalty Division  
**Counsel of Record**



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KELLE HINDERER (0085467)  
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(614) 466-5394  
Fax: (614) 644-0708  
COUNSEL FOR APPELLANT

**MEMORANDUM IN SUPPORT**

Appellant, Gregory Osie, moves this Court for an order directing the trial court to supplement the record with a transcript of the February 18, 2009 hearing. No transcript of this pretrial was included in the record that was transmitted to the Ohio Supreme Court. Under S.Ct. Prac. R. 5.8 and 19.4(D), if any necessary part of the record has not been transmitted on appeal, this Court may direct the certification and transmission of a supplemental record.

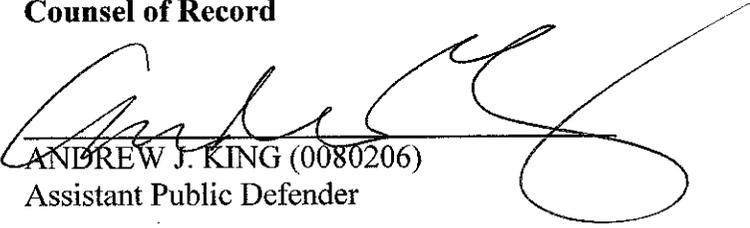
Osie has a right to a complete and unabridged record for his capital appeal. *State ex rel. Spirko v. Court of Appeals, Third Appellate District*, 27 Ohio St. 3d 13, 16, 501 N.E.2d 625, 627 (1986). See also *State v. D'Ambrosio*, 67 Ohio St. 3d 185, 200, 616 N.E.2d 909, 921 (1993). These materials may present issues for Osie's Merit Brief and for his oral argument. A thorough review of the complete record is necessary to give Osie a full and fair opportunity to litigate his appeal as of right in this Court. And without a complete record for review, counsel cannot provide effective representation to Osie on this appeal as of right. See *State v. Buell*, 70 Ohio St. 3d 1211, 639 N.E.2d 110 (1994); *Evitts v. Lucey*, 469 U.S. 387 (1985).

Accordingly, Osie requests that this Court order the trial court to supplement the record.

Respectfully submitted,

Office of the Ohio Public Defender

PAMELA PRUDE-SMITHERS (0062206)  
Chief Counsel, Death Penalty Division  
**Counsel of Record**



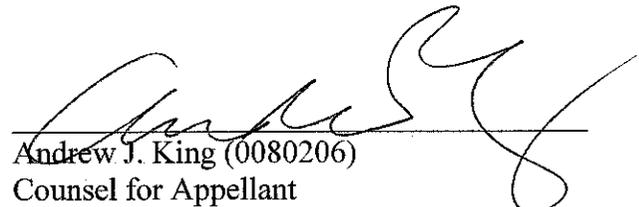
ANDREW J. KING (0080206)  
Assistant Public Defender

KELLE HINDERER (0085467)  
Assistant Public Defender  
250 E. Broad Street, Suite 1400

Columbus, Ohio 43215  
(614) 466-5394  
Fax: (614) 644-0708  
COUNSEL FOR APPELLANT

**Certificate of Service**

I hereby certify that a true copy of the foregoing **Motion to Supplement Record** was forwarded by first-class, postage prepaid U.S. Mail to Robin N. Piper, Butler County Prosecuting Attorney, 315 High Street, Hamilton, Ohio 45011, on the 1st day of December, 2010.

  
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Andrew J. King (0080206)  
Counsel for Appellant