

IN THE SUPREME COURT OF OHIO

State of Ohio,	:	Case No. 2012-1410
Plaintiff-Appellee,	:	On Appeal from the Hamilton
v.	:	County Court of Appeals
Eric Long,	:	First Appellate District
Defendant-Appellant.	:	Court of Appeals
	:	Case No. C-110160

**Supplemental Authority of  
Appellant Eric Long, a Minor Child**

Joseph T. Deters, 0012084  
Hamilton County Prosecutor

Office of the Ohio Public Defender

Ronald W. Springman, 0041413  
Assistant Prosecuting Attorney  
(Counsel of Record)

By: Stephen P. Hardwick, 0062932  
Assistant Public Defender  
(Counsel of Record)

Hamilton County Prosecutor's Office  
230 E. 9<sup>th</sup> Street - Suite 4000  
Cincinnati, Ohio 45202  
(513) 946-3000  
(513) 946-3105 - Fax

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

Counsel for Plaintiff-Appellee  
State of Ohio

Counsel for Defendant-Appellant  
Eric Long

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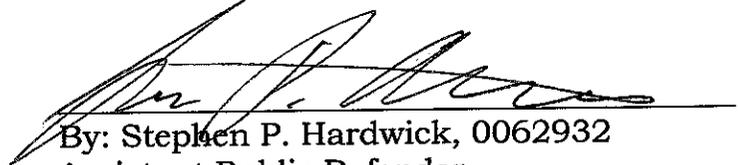
**Supplemental Authority of  
Appellant Eric Long, a Minor Child**

Pursuant to S.Ct. Prac. R. 3.3, and with regard to the State's assertion that *Miller v. Alabama*, \_\_ U.S. \_\_, 132 S.Ct. 2455, 183 L.Ed. 2d 407 (2012), applies only to cases where imposing life without parole on a child is mandated by statute, Appellant Eric Long submits the following additional authority:

*Daugherty v. State*, Fla. Dist. App. 4, No. 4D08-4624, 2012 WL 38822108, \*2 (Sept. 5, 2012) (“Unlike the juvenile defendant in *Miller*, however, appellant was not sentenced to a statutorily mandated sentence of life imprisonment without the possibility of parole. Rather, the trial judge in his case had discretion to impose a different punishment. Nevertheless, *Miller* contains language suggesting that sentencing juveniles to life-without-parole prison terms should be “uncommon” in light of the “great difficulty” of distinguishing at this early age between “the juvenile offender whose crime reflects unfortunate yet transient immaturity, and the rare juvenile offender whose crime reflects irreparable corruption.” *Id.* at 2469 (citations and internal quotation marks omitted). Thus, under *Miller*, judges must take an individualized approach to sentencing juveniles in homicide cases and consider factors which predict whether a juvenile is amenable to reform or beyond salvation.) (Emphasis added.)

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)  
stephen.hardwick@opd.ohio.gov

Counsel for Eric Long

**Certification of Service**

This is to certify that a copy of the foregoing was forwarded by regular U.S. Mail, postage prepaid to the office of Ronald W. Springman, Assistant Prosecuting Attorney, Hamilton County Prosecutor's Office, 230 E. 9<sup>th</sup> Street - Suite 4000, Cincinnati, Ohio 45202, this 12th day of September, 2012.



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Stephen P. Hardwick, 0062932  
Assistant Public Defender

Counsel for Eric Long

#376651