ORIGINAL

IN THE SUPREME COURT OF OHIO

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

Motion of Appellant Eric Long to Supplement the Record with the Presentence Investigation Report Under Seal and to Grant Leave to Counsel for Both Sides to View and Copy the Documents

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Eric Long

FILED
FEB 05 2013
CLERK OF COURT
SUPREME COURT OF OHIO

Motion of Appellant Eric Long to Supplement the Record with the Presentence Investigation Report Under Seal and to Grant Leave to Counsel for Both Sides to View the Document

Pursuant to S.Ct. Prac. R. 15.08, Appellant Eric Long asks that this Court direct the Hamilton County Clerk of Courts to supplement the record with a copy of the presentence investigation report under seal, and to permit counsel for both sides to view the document. Counsel for the State does not object to this request.

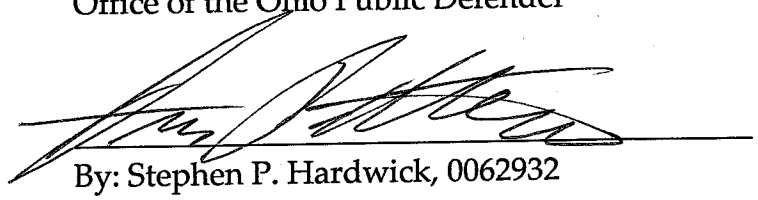
This case concerns whether the trial court properly considered youth as a mitigating factor when sentencing Eric, who was a child at the time of his offense, to life without parole. *Miller v. Alabama*, --- U.S. ---, 132 S.Ct. 2455, 183 L.Ed.2d 407 (2012), applied that Court's death penalty mitigation precedents to sentencing hearings where a child could be sentenced to life without parole for a homicide offense. *Id.* at 2463-4, 2466-7, citing *Atkins v. Virginia*, 536 U.S. 304, 122 S. Ct. 2242, 153 L. Ed. 2d 335 (2002); *Johnson v. Texas*, 509 U.S. 350, 367, 113 S.Ct. 2658, 125 L.Ed.2d 290 (1993); *Sumner v. Shuman*, 483 U.S. 66, 74-76, 107 S.Ct. 2716, 97 L.Ed. 2d 56 (1987); *Eddings v. Oklahoma*, 455 U.S. 104, 110-112, 102 S.Ct. 869, 71 L.Ed.2d 1 (1982); *Lockett v. Ohio*, 438 U.S. 586, 98 S.Ct. 2954, 57 L.Ed. 2d 973 (1978); and *Woodson v. North Carolina*, 428 U.S. 280, 96 S.Ct. 2978, 49 L.Ed.2d 944 (1976) (plurality opinion).

Without the presentence investigation report, it is impossible to know whether the trial court reviewed any mental health information before imposing that sentence.

Counsel has confirmed that the trial court has access through its computer to a copy of the report.

Respectfully submitted,

Office of the Ohio Public Defender



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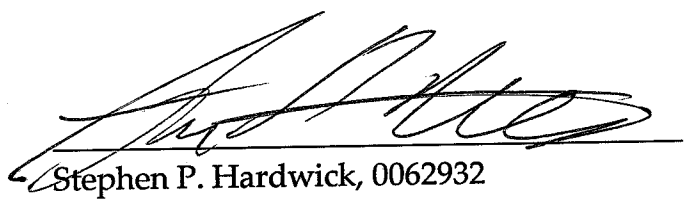
Certification of Service

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. 9th Street - Suite 4000, Cincinnati, Ohio 45202, this 5th day of February, 2013.



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