

ORIGINAL

IN THE SUPREME COURT OF OHIO

STATE OF OHIO,	:
	: CASE No. 2013-1281
PLAINTIFF-APPELLEE,	:
	: ON DISCRETIONARY APPEAL FROM THE
V.	: MAHONING COUNTY COURT OF APPEALS,
	: SEVENTH APPELLATE DISTRICT,
CHAD BARNETTE,	: CASE No. 02CA65
	:
DEFENDANT-APPELLANT.	:

**MOTION OF APPELLANT CHAD BARNETTE TO CONSIDER HOLDING THIS CASE
FOR THE DECISION IN *STATE V. QUARTERMAN*, CASE No. 2013-1591**

Mahoning County Prosecutor's Office

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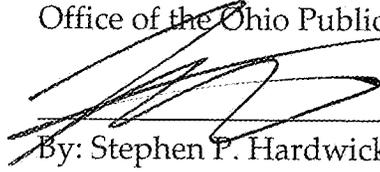
Appellant Chad Barnette respectfully asks this Court to consider holding this case for the decision in *State v. Quarterman*, Case No. 2013-1591, which this Court recently accepted. *12/24/2013 Case Announcements*, 2013-Ohio-5678.

Both Chad's case and *Quarterman* involve the question of the reach of *Graham v. Florida*, 560 U.S. 48, 130 S.Ct. 2011, 176 L.Ed.2d 825 (2010). In Chad's case, the question is whether *Graham's* requirement that children convicted of non-homicide offenses have a "meaningful opportunity to obtain release based on demonstrated maturity and rehabilitation[,] "*Graham* at 75, applies to children facing term-of-years sentences that approach a natural human lifetime, or whether that *Graham* applies only to children facing sentences expressly labeled as life-long. In *Quarterman*, the issue is whether *Graham* should be extended to ban all mandatory juvenile bindovers.

If *Graham* extends to ban the mandatory transfer of children to adult court, the decision certainly applies to ban term-of-years sentences that deny children a meaningful opportunity for release. Accordingly, Appellant Chad Barnette asks this Court to consider holding this case for the decision in *Quarterman*.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing was forwarded by e-mail to
Assistant Prosecuting Attorney Ralph Rivera, rrivera@mahoningcountyoh.gov,
on this 2nd day of January, 2014.



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