

IN THE SUPREME COURT OF OHIO

STATE OF OHIO,	:	
	:	
Plaintiff-Appellee,	:	CASE NO. 2014-0120
	:	
v.	:	ON DISCRETIONARY APPEAL
	:	FROM THE MAHONING
BRANDON MOORE,	:	COUNTY COURT OF APPEAL,
	:	SEVENTH APPELLATE DISTRICT,
Defendant-Appellant.	:	CASE NO. 08MA20

NOTICE OF SUPPLEMENTAL AUTHORITY

Rachel S. Bloomekatz (0091376)
Counsel of Record
rbloomekatz@jonesday.com
Kimberly A. Jolson (0081204)
kajolson@jonesday.com
Joyce D. McKinniss (0085153)
jdmckinniss@jonesday.com
JONES DAY
325 John H. McConnell Boulevard, Suite 600
P.O. Box 165017
Columbus, Ohio 43216-5017
(614) 469-3919
(614) 461-4198 (fax)

Attorneys for Appellant Brandon Moore

Stephen P. Hardwick (0062932)
Assistant Public Defender
stephen.hardwick@opd.ohio.gov
OFFICE OF THE OHIO PUBLIC DEFENDER
250 E. Broad Street, Suite 1400
Columbus, Ohio 43215
(614) 466-5394
(614) 752-5167 (fax)

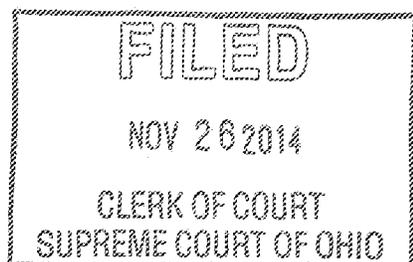
Attorney for Amicus Curiae
Office of the Ohio Public Defender

Paul J. Gains (0020323)
Mahoning County Prosecuting Attorney
pgains@mahoningcountyoh.gov
Ralph M. Rivera (0082063)
Assistant Prosecuting Attorney
Counsel of Record
rrivera@mahoningcountyoh.gov
Mahoning County Prosecutor's Office
21 W. Boardman Street, 6th Floor
Youngstown, Ohio 44503
(330) 740-2330
(330) 740-2008 (fax)

Attorneys for Appellee State of Ohio

Matthew S. Hellman (pro hac vice)
Counsel of Record
mhellman@jenner.com
Erica L. Ross (pro hac vice)
eross@jenner.com
JENNER & BLOCK LLP
1099 New York Avenue N.W., Suite 900
Washington, DC 20001
(202) 639-6000
(202) 639-6066 (fax)

Attorneys for Amici Curiae Criminal Law
Scholars



Marsha Levick (pro hac vice)
Counsel of Record
mlevick@jlc.org
JUVENILE LAW CENTER
1315 Walnut Street
4th Floor
Philadelphia, PA 19107
(215) 625-0551
(215) 625-2808 (fax)

Attorney For Amici, Juvenile Law Center,
Campaign for the Fair Sentencing of Youth,
Campaign for Youth Justice, Center for
Children's Law and Policy, Children's Law
Center, Inc., Coalition for Juvenile Justice,
Colorado Juvenile Defender Coalition, Juvenile
Justice Initiative of Illinois Juvenile Justice
Project of Louisiana, National Association of
Counsel for Children, National Center for Youth
Law, National Juvenile Defender Center,
National Juvenile Justice Network, and San
Francisco Office of the Public Defenders

Candace C. Crouse (0072405)
NACDL Amicus Committee
Sixth Circuit Vice-Chair
ccrouse@pinalesstachler.com
PINALES STACHLER YOUNG BURRELL
& CROUSE CO., LPA
455 Delta Avenue, Suite 105
Cincinnati, Ohio 45226
(513) 252-2732
(513) 252-2751 (fax)

Attorneys for Amicus Curiae National
Association of Criminal Defense Lawyers

Anna P. Engh (pro hac vice)
Counsel of Record
aengh@cov.com
Matthew Kudzin (pro hac vice)
mkudzin@cov.com
Jessica V. Sutton (pro hac vice)
jsutton@cov.com
COVINGTON & BURLING LLP
1201 Pennsylvania Avenue, NW
Washington, DC 20004
(202) 662-6000
(202) 778-6291 (fax)

Attorneys for Amici Curiae James Petro,
Nancy Rogers, and Evelyn Stratton

Ron O'Brien (0017245)
Franklin County Prosecuting Attorney
Seth L. Gilbert (0072929)
Assistant Prosecuting Attorney
Counsel of Record
sgilbert@franklincountyohio.gov
373 South High Street-13th Floor
Columbus, Ohio 43215
(614) 525-3555
614-525-6012 (fax)

Attorneys for Amicus Curiae Ohio
Prosecuting Attorney Association

Joseph R. Guerra (pro hac vice)
Counsel of Record
jguerra@sidley.com
Kwaku A. Akowuah (pro hac vice)
kakowuah@sidley.com
Jennifer J. Clark (pro hac vice)
jclark@sidley.com
SIDLEY AUSTIN LLP
1501 K Street, N.W.
Washington, D.C. 20005
(202) 736-8000
(202) 736-8711 (fax)

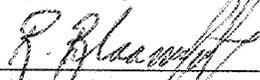
Alycia N. Broz (0070205)
anbroz@vorys.com
Daniel E. Shuey (0085398)
deshuey@vorys.com
VORYS, SATER, SEYMOUR AND
PEASE LLP
52 East Gay Street
P.O. Box 1008
Columbus, OH 43216
(614) 464-6400
(614) 719-4810 (fax)

Attorneys for Amici Curiae Dr. Beatriz Luna,
Dr. Charles Alexander Nelson III,
Dr. Silvia Bunge, Dr. Adriana Galvan, and
Dr. Linda Patia Spear

NOTICE OF SUPPLEMENTAL AUTHORITY

Appellant Brandon Moore, pursuant to Supreme Court Practice Rule 16.08, submits this notice of newly-decided precedent from the U.S. District Court for the District of South Dakota to supplement his merits briefing in which he argues that under the U.S. Supreme Court's opinion in *Graham v. Florida*, 560 U.S. 48, 130 S.Ct. 2011, 176 L.Ed.2d 825 (2010), a term of years sentence that guarantees a juvenile nonhomicide offender will die in prison violates the Eighth Amendment. The relevant citation is: *Boneshirt v. United States*, No. CIV 13-3008-RAL, 2014 U.S. Dist. LEXIS 161922, *21-23 (D.S.D. Nov. 19, 2014) (agreeing with petitioner that "term sentences virtually guaranteeing an offender will die in prison without meaningful opportunity for release could be considered a life sentence for the purpose of applying *Graham* and *Miller*" and explaining that a "bright-line rule clearly distinguishing 'life' sentences from sentences for terms of months . . . ignores the direction of the Supreme Court in *Graham*").

Respectfully submitted,



Rachel S. Bloomekatz (0091376)

Counsel of Record

rbloomekatz@jonesday.com

Kimberly A. Jolson (0081204)

kajolson@jonesday.com

Joyce D. McKinniss (0085153)

jdmckinniss@jonesday.com

JONES DAY

325 John H. McConnell Boulevard, Suite 600

Columbus, Ohio 43216-5017

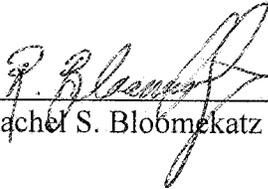
(614) 469-3919 (tel.)

(614) 461-4198 (fax)

Attorneys for Appellant Brandon Moore

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Notice of Supplemental Authority was served by regular, U.S. Mail, postage prepaid, to Paul J. Gains, Esq., Mahoning County Prosecuting Attorney and Ralph Rivera, Esq., Assistant Mahoning County Prosecutor, 21 W. Boardman Street, 6th Floor, Youngstown, Ohio 44503, on this 26th day of November, 2014.



Rachel S. Bloomekatz