



1 MORNING SESSION, MAY 29, 2014

2 THE COURT: This is the State of  
3 Ohio versus Mr. Eric Long. This is Case  
4 Number B-0903962. Mr. Long is the C  
5 defendant in that case.

6 Mr. Long is present in court with  
7 his attorney Mr. David Washington.  
8 Mr. Rick Gibson is present on behalf of  
9 the State.

10 we're here today for resentencing,  
11 the Ohio State Supreme Court handing down  
12 a decision that said that Mr. Long's  
13 youth at the time the offense was  
14 committed was not considered as a factor  
15 in the sentencing, so they've ordered a  
16 sentencing.

17 MR. GIBSON: It's my understanding,  
18 Judge, everything else about the  
19 conviction sentence was upheld. They  
20 wanted him resentenced, and for the Court  
21 to indicate that it found youth to be a  
22 mitigating factor, and to determine what  
23 weight that should get.

24 THE COURT: Are you ready to  
25 proceed with sentencing?

1 MR. WASHINGTON: We are.

2 THE COURT: Have you had an  
3 opportunity to review the pre-sentence  
4 investigation, the victim impact  
5 statements, the institutional summary  
6 reports and the report prepared by the  
7 Court clinic, I believe it was Dr.  
8 Dreyer, dated May 27, 2014?

9 MR. WASHINGTON: Your Honor, I've  
10 had an opportunity to review all those  
11 documents, as well as reviewing the  
12 transcripts from the sentencing hearing,  
13 the initial sentencing hearing, also  
14 reviewing the sentencing memorandums that  
15 were submitted on behalf of Mr. Long.

16 At this time I would resubmit those  
17 sentencing memorandums, as those facts  
18 obviously are not any different today. I  
19 wasn't gonna do the same memorandum.

20 We wanted to resubmit that, and in  
21 mitigation discuss the reports of  
22 Dr. Dreyer as well as other mitigation.

23 THE COURT: Certainly.

24 MR. WASHINGTON: Judge, Eric's 22  
25 years old. At the time these alleged

1 offenses occurred he was 17 years old.

2 I don't think there's any question  
3 that as a young adult, your impulse  
4 decision-making and things of that nature  
5 cause you to make decisions certainly you  
6 wouldn't make if you were older, more  
7 mature later in life.

8 we're not here to discuss the  
9 specific facts as he's already been  
10 convicted of that, and we're not going to  
11 go over those again.

12 with regard to Eric and his  
13 circumstance, you know, he's got a loving  
14 family that cares for him. His mom's  
15 here, his stepfather's here. His  
16 brother, other family members are here.

17 Judge, even if this Court were to  
18 allow the sentence to be modified, he  
19 would still be -- Eric would be  
20 approximately 47 years old if and when  
21 he's released from prison.

22 There's a big difference between a  
23 17-year-old and a 47-year-old man. I  
24 think that the decision-making process  
25 the maturity, you become -- I believe

1           it -- after a long period of  
2           incarceration that he would have been  
3           changed significantly.

4           In talking to Eric, I find him to  
5           be articulate. I find him to be  
6           thoughtful. I find him to be someone who  
7           can I believe be a productive member of  
8           society at some point.

9           A sense of life without parole is  
10          ultimately the second most significant  
11          sentence that's available here in the  
12          State of Ohio.

13          And I understand the specific  
14          facts. I understand that at the trial he  
15          was tried with two individuals who at the  
16          time were much older than him. I believe  
17          that may have had some influence on him.

18          And also I think that the conduct  
19          and the temperament of those other two  
20          individuals may have shed a negative  
21          reflection on Eric himself, who -- I  
22          wasn't here, but during the time that  
23          I've spoken to Eric, he indicated to me  
24          that he was not one of the people that  
25          were in here making light of the

1           circumstance, that he did take the  
2           process very seriously at that time.

3           Judge, reading the reports from  
4           Dr. Dreyer, obviously there's some  
5           concerns in both those reports regarding  
6           Eric. I know that one of the things the  
7           Court discussed in pre-trial was Eric's  
8           failure to complete the report and  
9           complete the testing. I know the Court  
10          was quite concerned with that as well.

11          In speaking to Eric, one of the  
12          reasons why he didn't complete the  
13          testing was he had been there for over  
14          two hours doing the testing, that he was  
15          shipped here from Lucasville, and when he  
16          was there, he was not able to receive any  
17          visits.

18          So when he had a visit here, he was  
19          excited, he wanted to have that visit  
20          'cause he just was not able to have  
21          visits, and I think he made a bad choice,  
22          and he recognizes that he made a bad  
23          choice because he was under the  
24          understanding or belief that the testing  
25          could be completed at a later time, and

1           instead it concluded in the report as  
2           part of his impulse or failure to control  
3           impulse that he walks away from the test.

4           I didn't want the Court to have the  
5           reflection or the thought that he didn't  
6           want to complete it or he wasn't  
7           cooperating with the testing, but it was  
8           just that he received a visit that --  
9           again where he is, he isn't able to get  
10          the visits, and he wanted to see the  
11          individuals who came to see him.

12          I didn't want that to be a  
13          reflection of his inability or  
14          unwillingness to try to conform to rules  
15          and regulations.

16          Now, he's 22 years old, Judge.  
17          Certainly he understands that he still  
18          will do a long time in prison.

19          I'd ask the Court to consider the  
20          decision of our Supreme Court in  
21          analyzing and assessing Eric's ability to  
22          conform down the road and be a productive  
23          member of society.

24          I know the Court gave some specific  
25          steps to be looked at, at this point

1 mostly including his youth at the time of  
2 the offense, and I just would implore the  
3 Court to consider the fact that when  
4 these things happened, this young man was  
5 17 years old running around with guys  
6 that were much older than him that I  
7 believe influenced him significantly. I  
8 think that he's a different person now  
9 than he was then, and I know that he'll  
10 be a different person at 47 or however  
11 old he'll be when he's eligible to be  
12 released.

13 I'd ask the Court to consider a  
14 lesser sentence than life without parole.

15 THE COURT: Thank you,  
16 Mr. Washington.

17 Mr. Long, is there anything you  
18 would like to say on your own behalf  
19 before the Court passes sentence?

20 THE DEFENDANT: No, ma'am.

21 THE COURT: Anything from the  
22 State, Mr. Gibson?

23 MR. GIBSON: Yes, Judge.

24 I can accept that youth is a  
25 mitigating factor and, quite frankly, I

1 think it was considered as such at the  
2 original sentencing hearing.

3 I know Eric Long's then trial  
4 attorney Scott Rubenstein I thought did a  
5 really nice job urging the Court to  
6 sentence the defendant to something less  
7 than life without parole based upon his  
8 youth, that was stressed.

9 The question is how much weight do  
10 you give that single factor in passing  
11 sentence?

12 I concede the defendant was 17  
13 years old when these crimes were  
14 committed, but everything you've seen in  
15 the Juvenile Court bind-over and the  
16 nature and circumstances, because they  
17 came out in the trial of his case, the  
18 PSI, the victim impact statement,  
19 everything you had in front of you at the  
20 time said that at 17 years old Eric Long  
21 was already a hardened criminal.

22 He's not -- he was not some naive  
23 easily led person that Fonta Whipple and  
24 Jayshawn Clark kind of 5 manipulated or  
25 dragged into this.

1                   He was there because that's where  
2 he wanted to be. He was then just a year  
3 or two younger, that's all. He was  
4 already a hardened criminal.

5                   If you weigh his youth at the time  
6 of these offenses against the nature and  
7 circumstances of these crimes and his  
8 horrible record, you come away with the  
9 fact that that youth just isn't entitled  
10 to much weight.

11                   You remember the circumstances of  
12 these cases involved him going along with  
13 his co-defendants to settle a score that  
14 one of them had with someone. And on the  
15 occasions when they shot up the home on  
16 Matthews Avenue, and the occasion where  
17 they committed these homicide offenses on  
18 I-75. They didn't find the guy they  
19 wanted to shoot, so they just settled for  
20 somebody else.

21                   He's right in there. He's making  
22 the same decision they made to just  
23 substitute a person that hadn't done  
24 anything to him to open fire on.

25                   And that's what they did on the

1 house on Matthews Drive in Lincoln  
2 Heights, and that's what they did to  
3 Mr. Neblett and Mr. Scott on the highway  
4 when they came cross them. He's a  
5 hardened criminal, Judge.

6 what the Court has a benefit of  
7 now, and I think what these things have  
8 shown us is that the Court got it exactly  
9 right when it passed sentence on him the  
10 first time.

11 The Court has his institutional  
12 record, and it has this report that it  
13 directed -- at the defense's request that  
14 it directed the Court Clinic to do.

15 First off, his institutional record  
16 since he was sent to prison is horrible.  
17 It's atrocious.

18 Is there anything in that  
19 institutional record that would lead you  
20 to believe that he's gonna be  
21 rehabilitated now or ten years or twenty  
22 years from now?

23 Has he done anything, has anything  
24 that's shown up in that institutional  
25 record lead you to believe he's gonna be

1 rehabilitated?

2 All he's done there is disregard  
3 rules, be disrespectful to staff and  
4 start a trafficking ring. Has his  
5 girlfriend convicted of trafficking  
6 because she's smuggling in weed so that  
7 he can sell it in the institution.

8 He ends up down at Lucasville. And  
9 you don't end up down at Lucasville  
10 unless you've disregarded and flaunted  
11 all the rules.

12 And then we have this report from  
13 Carla Dreyer, and I would just note it's  
14 not often you see this in a report that  
15 our clinic does.

16 But she noted in her report, his  
17 engaging in deceitfulness, his  
18 impulsivity, his aggressiveness and his  
19 reckless disregard for the safety of  
20 others. In fact, he even turns this  
21 around as somehow he's the victim.

22 She noted his lack of remorse and  
23 total lack of empathy. And she used this  
24 word several times, or this phrase, his  
25 well documented history of criminal

1 behavior, and his -- and this is the word  
2 she used -- well entrenched criminal  
3 thinking. And the last paragraph of her  
4 conclusion she writes, his attitudes, his  
5 criminal attitudes and beliefs are well  
6 entrenched -- she uses that word again --  
7 and unlikely to change with intervention.

8 That speaks to the ability that our  
9 system would have to rehabilitate. He's  
10 not gonna be rehabilitated.

11 And she concludes that the number  
12 of risk factors for violence indicate a  
13 high risk to the community, and further  
14 incarceration is appropriate to manage  
15 such.

16 Judge, I think what we have is  
17 someone who's so violent and so prone to  
18 commit criminal acts, that the only thing  
19 you can do is put him in prison as long  
20 as you can to protect the public.

21 The people he shot or shot at  
22 hadn't done anything to him, and yet they  
23 crossed his path when he's looking for  
24 somebody to shoot, and we have what we  
25 have.

1           Judge, I would ask the Court to go  
2 back and impose the same sentence it  
3 imposed initially on Eric Long because  
4 that's what's necessary to protect the  
5 public from his future crimes.

6           THE COURT: Anything further?

7           FAMILY MEMBER: Your Honor, can I  
8 speak?

9           THE COURT: I'm sorry. Who are  
10 you, sir?

11          FAMILY MEMBER: I'm Eric Long's  
12 stepfather.

13          THE COURT: I'll permit you to  
14 speak, sir. Wait a second, sir. If  
15 you'd approach the podium, come on up to  
16 the podium, sir.

17          FAMILY MEMBER: First off, Your  
18 Honor, I would like to say --

19          THE COURT: First of all, could you  
20 state your name please.

21          FAMILY MEMBER: My name is Shawn  
22 Hutchins.

23          THE COURT: would you spell your  
24 last name.

25          FAMILY MEMBER: H-U-T-C-H-I-N-S.

1 THE COURT: All right,  
2 Mr. Hutchins.

3 FAMILY MEMBER: I don't believe  
4 that this prosecutor or any one in this  
5 courtroom actually knows Eric. Eric was  
6 a straight A student, honor roll student.  
7 Played basketball, football, baseball.  
8 He grew up without a father. And in a  
9 black home, that's kind of hard.

10 Eric was picked on, bullied on. He  
11 didn't have some of the things that other  
12 people had with a father around, like he  
13 give him charisma or to stand up or to  
14 understand right from wrong.

15 So, you get other people around you  
16 influencing you as I would say. He  
17 doesn't know these people in Lincoln  
18 Heights on Matthews Drive.

19 I grew up in Lincoln Heights.  
20 These same officers that he talking  
21 about, he's not mentioned that they're  
22 recently fired for the simple fact they  
23 took bribes.

24 These officers stole money from the  
25 police station -- he's smiling about

1           it -- and the gun that they laid on Eric,  
2           they found three, or four or five weeks  
3           later was fired off from an officer, and  
4           they took it into they crime -- they took  
5           it over there and said it was Eric's.  
6           Somebody shot the gun off, cleaned it off  
7           and took it there.

8           THE COURT: Mr. Hutchins, we're not  
9           going to debate that Mr. Long has been  
10          convicted by a jury.

11          If there's something you want to  
12          say about Eric as you know him as a  
13          person, his character, I'm happy to hear  
14          that, but we're not going to retry the  
15          case.

16          FAMILY MEMBER: I think this his  
17          character in jail really stands out to  
18          say he's been trying to fit in, something  
19          that he's been doing all of his life.

20          And when you get into an  
21          environment, you try to adapt, whether  
22          it's trying to be hard, whether you in  
23          prison, or you trying to fit in, you  
24          don't wanna be that the guy that someone  
25          makes fun of, or whatever it takes. So

1 at the same time he's just displaying or  
2 acting out to protect himself.

3 That's all I would like to say.

4 THE COURT: Thank you. Thanks for  
5 coming down, sir.

6 Anything further, Mr. Washington?

7 MR. WASHINGTON: Just the one  
8 statement about that these individuals  
9 were a year or two older than Eric. They  
10 were actually eight or nine years, ten  
11 years older than Eric at the time these  
12 offenses occurred.

13 It's just, for me to look at these  
14 facts and circumstances -- and we're not  
15 getting back into the facts. I  
16 understand this is just about sentencing.  
17 But there are certain things that a 17  
18 year old can and can't understand at 17.

19 There's no way you can look a 17  
20 year old and say that he is the same or  
21 similar or the same person he is when  
22 he's gonna be 42, 47 years old.

23 It's just impossible to suggest  
24 that he'll commit future crimes.  
25 obviously, anyone can commit crimes in

1 the future.

2 what I would suggest to the Court,  
3 allow him an opportunity to have a life.  
4 Allow him the opportunity after he's paid  
5 his debt to society to have a life  
6 outside of prison.

7 something that he was convicted of  
8 that happened when he was 17 years old  
9 should not cause this young man to be  
10 incarcerated for the rest of his life.

11 THE COURT: Thank you,  
12 Mr. Washington.

13 Mr. Long, I have to say when I  
14 sentenced you the first time in 2009, it  
15 gave me great pause the fact that you  
16 were -- I think you were two days shy of  
17 your 18th birthday when these acts  
18 occurred, and that you were so young.

19 And I did consider your  
20 youthfulness and the influence of the  
21 other two defendants at that time as  
22 well.

23 But I also considered your role in  
24 it, the horrific acts, the horrific acts  
25 that happened. And I wanted to use youth

1 as a mitigating factor back then, and I  
2 listened to Mr. Rubenstein's passionate  
3 argument about it, and gave it serious  
4 consideration.

5 But balancing everything, I thought  
6 it was appropriate that you receive,  
7 given the horrific acts, the homicides,  
8 the shootings that happened, that you be  
9 given life without parole.

10 when the Supreme Court sent this  
11 back, I have to say I thought, I think I  
12 made -- the Court made the right decision  
13 the first time, but I've been given the  
14 opportunity to look at everything again  
15 with fresh eyes, looking at a different  
16 person, looking at a 22 year old now four  
17 years later and what will I see. What  
18 will I see has happened over the past  
19 four years, and it will give me a chance  
20 to evaluate youth as a mitigating factor.

21 So I reviewed again the Juvenile  
22 Court bind-over, I reviewed the PSI's. I  
23 reviewed the original clinic sentencing,  
24 and then I reviewed your institutional  
25 report, which is going to be marked as

1 Court's Exhibit Number 1, since you've  
2 been if the Southern Ohio Correctional  
3 Facility.

4 And I was hoping to see someone who  
5 was starting to move forward with their  
6 life. I was hoping to see someone who  
7 was trying to do the right thing. But  
8 instead I saw offenses. And these are  
9 not -- I didn't see offenses where, out  
10 of line or something like that, or out of  
11 place.

12 what I saw was fighting, procuring  
13 drugs, bringing drugs in, having your  
14 girlfriend bring drugs in in balloons  
15 that you were going to swallow and pass  
16 and then sell.

17 I saw offenses that required  
18 segregation. The drug offense required  
19 you to be transferred from Lebanon to the  
20 Southern Ohio Correctional Facility at  
21 Lucasville.

22 I know your uncle said you have to  
23 fit in. That's not fitting in. That's a  
24 conscious decision to continue in  
25 criminal activity. That is not fitting

1 in.

2 And that upset me because I  
3 thought, all right, I don't have anything  
4 here in the institutional summary reports  
5 that's going to help.

6 The Court and Mr. Washington  
7 requested a Court Clinic to see if you've  
8 come to any new resolutions, if you've  
9 processed what happened.

10 The Court Clinic, which has been  
11 marked as Court Exhibit Number 2 dated  
12 May 27, 2014 by Dr. Dreyer, shows a man  
13 who, first of all, showed no remorse.  
14 Second of all, showed a man who here has  
15 the opportunity to help himself with the  
16 possibility of reducing his sentence from  
17 life without parole to the possibility of  
18 parole, 30 years, blowing off the  
19 psychologist and refusing to continue the  
20 interview and testing because he wanted  
21 to have a visitor.

22 I mean, I was -- quite frankly I  
23 was in shock when I read that, that you  
24 terminated the interview that would have  
25 given you a chance to change your

1 sentence. I'm not saying it would have,  
2 but it didn't.

3 And I had to look at the report  
4 itself, and the conclusions which  
5 Mr. Gibson alluded to, in which Dr.  
6 Dreyer says the defendant, you, Mr. Long,  
7 frankly denied a history of violence and  
8 portrayed yourself as being  
9 inappropriately targeted by the  
10 prosecution and the court system. Denied  
11 committing the instant offenses, although  
12 acknowledged that you had engaged in a  
13 number of criminal behaviors even while  
14 you were incarcerated in the  
15 penitentiary.

16 Your discussion of the decision  
17 making suggest a callus disregard for  
18 others. Psychological testing suggest  
19 significant features of narcissms, which  
20 only further complicated your underlying  
21 psychopathic personality features.

22 It is noted that the defendant has  
23 significant risk factors associated with  
24 future violence, although he has the  
25 absence of other factors.

1           As the Court is aware, it is  
2           difficult to specifically quantify the  
3           risk of violence, however, details about  
4           the defendant's individual risk factors  
5           have been provided by the Court to assist  
6           with his sentencing.

7           It also noted that the defendant  
8           appears to be a high risk for future  
9           violent offending, and it is not clear  
10          that any future intervention aside from  
11          incarceration will manage this task.

12          I desperately wanted youth to be  
13          your mitigating factor, but there is zero  
14          evidence before this Court, either at the  
15          time of the original sentencing or now,  
16          given the opportunity four years later to  
17          show me that youth is a mitigating  
18          factor.

19          It pains me to say it, but I'm  
20          sorry. Given the evidence before this  
21          Court, the original sentence is going to  
22          stand. I believe I have to resentence on  
23          everything.

24                 THE PROSECUTOR: I think you do,  
25                 Judge.

1 THE COURT: All right. After  
2 considering the risks you will commit  
3 another offense, the need for protecting  
4 the public, the nature and circumstances  
5 of these offenses, your history,  
6 character and condition, the Court finds  
7 a prison sentence is required.

8 The defendant will be imprisoned as  
9 follows: On Count 1, felonious assault,  
10 with Firearm Specification 5, be  
11 sentenced to 8 years in the Department of  
12 Corrections on the underlying offense, 3  
13 years on specification 5 on the Firearm  
14 specification, to be served consecutively  
15 and prior to the sentence imposed in the  
16 underlying offense in Count 1.

17 With respect to Count 2, felonious  
18 assault with Firearm Specification 5,  
19 sentence is 8 years in the Department of  
20 Corrections.

21 In Count 3, which is felonious  
22 assault with Specification 5, 8 years in  
23 the Department of Corrections.

24 Count 4, improper discharge of a  
25 firearm at or into a habitat with Firearm

1 specifications -- these are of all  
2 Felonies of the Second Degree thus far --  
3 8 years in the Ohio Department of  
4 Corrections.

5 With respect to Count 7, aggravated  
6 murder with Firearm Specifications 5 and  
7 6, Count 7 is life without parole in the  
8 Department of Corrections.

9 Confinement on the Specification 5,  
10 3 years in the Department of Corrections  
11 to be served consecutively and prior to  
12 the sentence imposed in the underlying  
13 offense in Count 7.

14 with respect to confinement on  
15 Specification 6, 5 years in the  
16 Department of Corrections to be served  
17 consecutively and prior to the sentence  
18 imposed for the underlying offense in  
19 Count 7 and consecutively to the sentence  
20 in Specification 5 to Count 7.

21 With respect to Count 8, aggravated  
22 murder, with Firearm Specifications 5 and  
23 6, the sentence will be life without  
24 parole in the Department of Corrections.

25 On Count 11, which is having weapon

1 while under disability, a Felony of the  
2 Third Degree, be 18 months in the Ohio  
3 Department of Corrections.

4 On Count 12, carrying a concealed  
5 weapon, a Felony of the Fourth Degree, be  
6 18 months in the Ohio Department of  
7 Corrections.

8 On Count 13, having weapons under  
9 disability, a Felony of the Third Degree,  
10 it will be 5 years in the Department of  
11 Corrections.

12 Specifications 5 to Counts 2, 3 and  
13 4 are merged with Specification 5 to  
14 Count 1 for the purposes of sentencing.

15 Specification 5 to Count 8 is  
16 merged with Specification number 5 to  
17 Count 7 for the purposes of sentencing.

18 Specification 6 to Count 8 is  
19 merged with Firearm Specification 6 to  
20 Count 8 for the purposes of sentencing.

21 The sentences in Counts 1, 2 and 3  
22 are to be served concurrently with each  
23 other. Total aggregate of the sentence  
24 to these counts and specifications is 11  
25 years in the Department of Corrections.

1           The sentence in Count 4 is to be  
2 served concurrently with the sentences in  
3 Counts 1, 2, and 3.

4           The sentences in Counts, 11, 12 and  
5 13 are to be served concurrently. The  
6 sentence is Count 8 is to be served  
7 consecutively to the sentence in Count 7,  
8 and consecutively to the sentences in  
9 Counts 1, 2, 3, 4, 11, 12 and 13.

10           The reason for the consecutive  
11 sentences, it is necessary to protect the  
12 public from further crimes, and to punish  
13 the offender.

14           The consecutive sentences in this  
15 case are not disproportionate to the  
16 seriousness of the offender's conduct,  
17 and the danger that the offender poses to  
18 the public.

19           And the Court finds that the harm  
20 caused by the multiple offenses was so  
21 great or unusual that no single prison  
22 term for any of the sentences committed  
23 as part of the single course of conduct  
24 adequately reflects the seriousness of  
25 the offender's conduct. And the

1 offender's criminal history demonstrates  
2 that consecutive sentences are necessary  
3 to protect the public from future crimes  
4 by this offender.

5 The defendant is to receive credit  
6 for the days he has served thus far. The  
7 defendant is to pay court costs or work  
8 them off through community service.

9 Further in accordance with Revised  
10 Code Section 2901.07, the defendant is  
11 required to submit a DNA specimen, which  
12 will be collected at the time of  
13 incarceration, which I assume has already  
14 happened.

15 This sentence does not include any  
16 period of probation or community control.

17 If the defendant at any time is  
18 released, the defendant will be required  
19 as a condition of probation, community  
20 control, parole, transitional control or  
21 post-release control, to submit a DNA  
22 sample.

23 As part of this sentence, if ever  
24 released the defendant shall be  
25 supervised by the Adult Parole Authority

1 after the defendant leaves prison, that  
2 is referred to as post-release control.  
3 That can be for five years.

4 I'm required to give this. If the  
5 defendant violates post-release control,  
6 supervision or any conditions thereof,  
7 the Adult Parole Authority may impose a  
8 prison term as part of the sentence for  
9 up to 9 months, with maximum for repeated  
10 violations for up to 50 percent of the  
11 stated prison term.

12 If the defendant commits a new  
13 felony while subject to post-release  
14 control, the defendant may be sent to  
15 prison for the remaining post-release  
16 control period or 12 months, whichever's  
17 greater.

18 This prison term shall be served  
19 consecutively to any prison term imposed  
20 for the new felony the defendant is  
21 convicted of committing.

22 Let me give you your appeal rights,  
23 sir. You have a right to an appeal, and  
24 have a timely notice of appeal filed on  
25 your behalf.

1           If you're unable to pay the costs  
2 of an appeal, you have the right to  
3 appeal without payment.

4           If you're unable to obtain counsel  
5 for an appeal, counsel will be appointed  
6 without costs.

7           If unable to pay the costs of  
8 documents necessary to an appeal, the  
9 documents will be provided without costs.

10          Is there anything further at this,  
11 Mr. Washington?

12          MR. WASHINGTON: Your Honor, Eric  
13 has been talking to me throughout this  
14 process, and the one thing he wanted the  
15 Court to hear was that because he was  
16 doing a double life sentence, he wasn't  
17 eligible for any programs.

18          They wouldn't let him get involved  
19 in anything, and his statement to me was,  
20 how am I supposed to better myself when  
21 they won't let me engage in any  
22 programming in prison because I'm doing a  
23 double life sentence.

24          I think that's a fair  
25 representation of what you told me, Eric?

1 THE DEFENDANT: Yes.

2 MR. WASHINGTON: And that he wants  
3 that to be part of the record, Your  
4 Honor, I recognize that you gave him an  
5 opportunity to speak in mitigation and he  
6 said no, but he's been adamant that he  
7 wants to try to do things in a positive  
8 way while he's doing his time, but they  
9 just won't allow him to participate in  
10 any type of positive program because of  
11 the sentence.

12 THE COURT: well, it may also be  
13 because you were drug trafficking in  
14 prison as well.

15 Anything further from the State?

16 MR. GIBSON: No, Judge.

17 MR. WASHINGTON: Judge, thank you.

18 THE COURT: Thank you.

19 (Proceedings concluded.)

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C E R T I F I C A T E

I, Phyllis Walton, a Registered Professional Reporter, do hereby certify that at the time and place stated herein I was authorized to and did transcribe the within transcript, and that the foregoing transcript of the proceedings is a true, complete and accurate transcription of my stenographic notes.

\_\_\_\_\_  
Phyllis Walton, RPR  
Official Court Reporter  
Court of Common Pleas