FILED
JAN 28 2009
CLERK OF COURT
SUPREME COURT OF OHIO

The Supreme Court of Ohio

To the Clerk of Court of Appeals for

Montgomery County,
Dayton, Ohio

ORDER TO CERTIFY RECORD

S.C. Case Nos. 08-2133 and 08-2228
C.A. Case No. 22454

State of Ohio v. Richard L. Underwood, Jr.

Pursuant to Rule V, Sections 3 and 5, of the Rules of Practice of the Supreme Court of Ohio, you are hereby ordered to prepare and forward to the Clerk's Office the record in the above-captioned case as follows:

- The record shall consist of the original papers and exhibits to those papers; the transcript of proceedings and exhibits, along with a computer diskette of the transcript, if available; and certified copies of the journal entry and the docket prepared by the clerk of the court or other custodian of the original papers.
  - The record shall include, where applicable, all the above items from both the court of appeals and trial court cases.
- The record shall be transmitted along with an index that lists all items included in the record. All exhibits listed in the index shall be briefly described, and a copy of the index must be sent to all counsel of record in the case.
  - Only videotape exhibits, audiotape exhibits, and documents such as papers, maps or photographs shall be transmitted.
- The following items shall *not* be transmitted at this time:
  - any physical exhibits other than the items listed above (i.e., clothing, weapons, etc.)
  - documents of unusual size, bulk, or weight.

  Those exhibits or documents that are not transmitted shall be designated in the index, and their custodian must also be identified in the index.
- The record shall be transmitted to the Clerk's Office within 20 days of the date of this order.
  - If the case involves termination of parental rights or adoption of a minor child, or both, preparation and transmission of the record shall be expedited and given priority over preparation and transmission of the record in other cases.

THOMAS J. MOYER
Chief Justice