

IN THE SUPREME COURT OF OHIO

STATE OF OHIO,

Appellee,

vs.

CALVIN NEYLAND, JR.,

Appellant.

* Supreme Court Case No.:2008-2370
*
* On Appeal from the
* Wood County Court of
* Common Pleas
*
*
* Common Pleas
* Case No. 2007-CR-0359

DEATH PENALTY CASE

MOTION OF APPELLANT CALVIN NEYLAND, JR. TO
ENLARGE TIME TO TRANSMIT RECORD

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COUNSEL FOR APPELLEE, STATE OF OHIO



Motion of Appellant Calvin Neyland, Jr., to

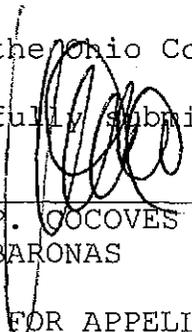
Enlarge Time to Transmit the Record

Appellant, CALVIN NEYLAND, JR., moves this court for an order, pursuant to S.Ct.Prac.R XIX(4) (C) (2), for an enlargement of time of thirty (30) days to transmit the record in this cause. As a basis, appellant states that the court reporter, Sandra L. Szymanski, requires additional time to prepare the transcripts in this case. An affidavit, pursuant to S.Ct.Prac.R. XIX (4) (C) (3), from Ms. Szymanski is attached to this motion.

This is a capital case in which the offense occurred after January 1, 1995. In this death penalty case, the enlargement of time requested is necessary to ensure that a complete and accurate record of the trial court proceedings be transmitted to this court so that this court may conduct an adequate and independent review. This court has, in the past, ruled that a complete record is of the utmost importance in determining the merits of an appeal. State ex re., Spirko v. Court of Appeals (1986), 27 Ohio St.3d 17-18.

This enlargement of time and the items requested is necessary to protect Mr. Neyland'S due process rights guaranteed by the fifth, sixth, eighth and fourteenth amendments to the United States constitution and Article I, Section 10 of the Ohio Constitution.

Respectfully submitted,



SPIROS P. COCOVES
ANN M. BARONAS

COUNSEL FOR APPELLANT,
CALVIN NEYLAND, JR.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was delivered by regular U.S. Mail to the office of the Wood County Prosecuting Attorney, Wood County Common Pleas Court, One Courthouse Square, Bowling Green, OH 43402 the 25th day of February, 2009.



Spiros P. Cocoves
COUNSEL FOR APPELLANT,
CALVIN NEYLAND, JR.

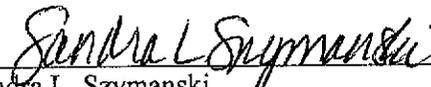
STATE OF OHIO)
) SS
COUNTY OF WOOD)

AFFIDAVIT

Now comes Sandra L. Szymanski, being first duly sworn, deposes and states as follows:

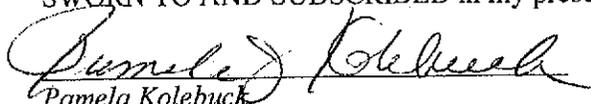
1. I am a court reporter employed by Wood County Common Pleas Court - General Division, Hon. Robert C. Pollex, having been so assigned at all times relative to this affidavit.
2. Judge Pollex presided over the trial of State of Ohio v. Calvin Neyland, Jr., Wood County Common Pleas, Case No. 2007-CR-0359. I served as court reporter for all hearings, with limited exceptions, in Mr. Neyland's case.
3. I am in the process of preparing the transcripts in this case. At this point approximately three-fourths of the transcript is complete. In addition, I must continue my day to day responsibilities as a court reporter.
4. Based on my experience as a court reporter, and cognizant of my day to day responsibilities, and due to the length of the transcript, I will require an additional thirty (30) days to complete the transcript and provide the Court with adequate transcripts.
5. It is my request that this Court grant Mr. Cocoves the time necessary for me to prepare the transcripts.

FURTHER AFFIANT SAYETH NOT.



Sandra L. Szymanski
Official Reporter – General Division
Wood County Common Pleas Court
Bowling Green, OH 43402

SWORN TO AND SUBSCRIBED in my presence this 24th day of February, 2009.



Pamela Kolebuck
Notary Public
My commission expires: 8-7-03