

# Butler County Common Pleas Court General Division

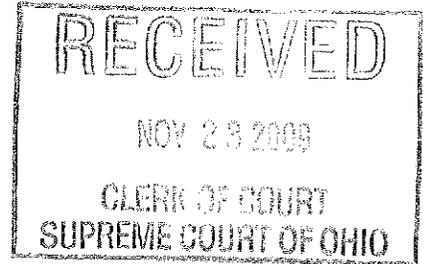
Government Services Center  
315 High Street, 3<sup>rd</sup> Floor  
Hamilton, Ohio 45011

Judge Craig D. Hedric  
Judge Andrew Nastoff  
Judge Patricia S. Oney  
Judge Charles L. Pater  
Judge Noah E. Powers II  
Judge Michael J. Sage  
Judge Keith M. Spaeth



Gary W. Yates, CPO  
Court Administrator  
Adult Probation 513-887-3398  
Pretrial Services 513-785-5162  
Drug Court 513-785-5721  
Administration 513-785-6550  
[www.bccommonpleas.org](http://www.bccommonpleas.org)

November 19, 2009



Clerk, Supreme Court of Ohio  
65 South Front Street, 8<sup>th</sup> Floor  
Columbus, Ohio 43215-3431

Re: State v. Ketterer, Case No. 2007-1261.

Dear Clerk:

On October 13, 2009, this Honorable Court, *sua sponte*, ordered the Butler County Court of Common Pleas to certify and transmit to the Clerk of Court the transcript of grand jury testimony from case number CR2003-03-0309. In that case, the grand jury of Butler County heard testimony on both March 3, 2003 and March 19, 2003. In attempting to fully comply with this Court's order, the Butler County Records Center was contacted to locate and provide the audio recordings of these two days of testimony. However, the CD that contained the recording from March 3, 2003, was not located.

In attempting to find this missing CD, or to find any other way to obtain the transcript of the March 3, 2003 date, the undersigned discussed this issue jointly. Thereafter, the undersigned attempted to find the CD by talking with the appropriate court reporters, the trial prosecutors who handled the case, and the records center. In addition, the State of Ohio's case file was checked, three times, in an attempt to locate the missing grand jury transcript. The IT department was also contacted, but it was discovered that there was no backup system in place in 2003. As such, the CD is the only source of this testimony. After exhausting all these avenues, the missing CD has not been located.

Therefore, the March 19, 2003 transcript of grand jury testimony has been filed under seal, but the March 3, 2003 transcript is not available to be filed. If this CD is located the Court of Common Pleas of Butler County will immediately and fully comply with this Court's Order.

Sincerely,

A handwritten signature in cursive script that reads "Mary L. Swain".

Mary Swain, Manager  
Court Administration  
Court of Common Pleas, General Division  
(513) 887-3950

A handwritten signature in cursive script that reads "Michael A. Oster, Jr.".

Michael A. Oster, Jr., Chief  
Appellate Division  
Butler County Prosecutor's Office  
(513) 785-5204

Mary L. Swain, Manager  
Court Administrative Services  
Court Transcription Services  
Telephone: (513) 887-3950 ~ Fax: (513) 785-5719  
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