

In The Supreme Court of Ohio

State of Ohio, :  
Appellee, : Case No. 10-0576  
-vs- : Appeal taken from Stark County  
James Mammone, III, : Court of Common Pleas  
: Case No. 2009-CR-0859  
Appellant. : **Capital Case**

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APPELLANT MAMMONE'S MOTION FOR EXTENSION  
OF TIME TO FILE TRANSCRIPT

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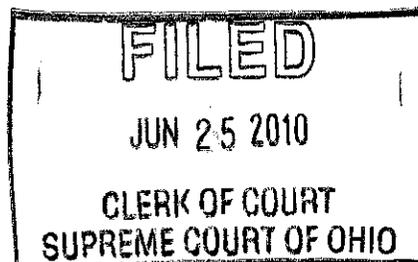
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IN THE SUPREME COURT OF OHIO

STATE OF OHIO, :  
Appellee, : Case No.: 10-0576  
-vs- : Appeal from Stark County Court  
JAMES MAMMONE III, : of Common Pleas  
Appellant. : Case No. 2009-CR-0859  
: **This is a capital case.**

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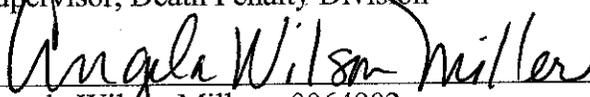
Appellant James Mammone, through counsel, requests an extension of time of sixty days to file the transcript with the clerk of this Court. *See* Sup. Ct. Prac. R. 19.5(C). Appellant's motion is supported by the court reporters' affidavits as required by Sup. Ct. Prac. R. 19.5(C)(3). (*See* Exhibits A and B). The reasons for this request are explained in the attached memorandum.

Respectfully submitted,

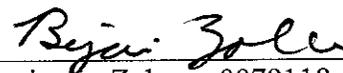
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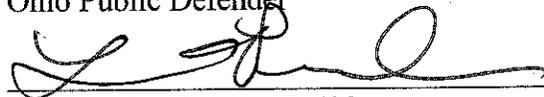
MEMORANDUM

Appellant James Mammone was convicted of capital murder and sentenced to death in the Court of Common Pleas of Stark County. He timely filed his notice of appeal on April 2, 2010. The record is currently due to be filed by appellant on July 1, 2010. *See* Sup. Ct. Prac. R. 19.5(A)(1). However, appellant cannot file the record on July 1, 2010 because the court reporters are unable to complete the trial transcript without an extension of time.

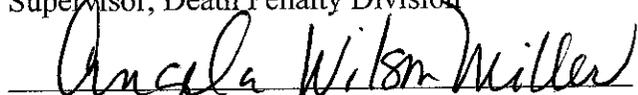
Exhibits A and B, attached to this motion, are the affidavits of the court reporters responsible for preparing appellant's transcript. *See* Sup. Ct. R. Prac. 19.5(C)(3). As the result of their continuing duties as court reporters for the Stark County Court of Common Pleas, as well as the length of appellant James Mammone's trial, the court reporter will be unable to complete the transcript by the July 1, 2010 deadline. (Exhibits A and B). Accordingly, appellant James Mammone, through counsel, requests a sixty-day extension of time to file the record with the clerk of this Court.

Respectfully Submitted,

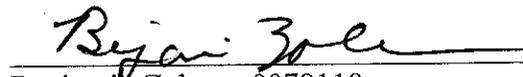
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Counsel For Appellant

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing APPELLANT MAMMONE'S MOTION FOR EXTENSION OF TIME TO FILE TRANSCRIPT was forwarded by regular U.S. Mail to John D. Ferrero, Prosecuting Attorney, Stark County, 110 Central Plaza South, Suite 510, Canton, Ohio 44702, on June 25, 2010.



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Linda E. Prucha  
Supervisor, Death Penalty Division  
Counsel For Appellant

IN THE SUPREME COURT OF OHIO

STATE OF OHIO,	:	
Appellee,	:	Case No.: 10-0576
-vs-	:	Appeal from Stark County Court of Common Pleas
JAMES MAMMONE III,	:	Case No. 2009-CR-0859
Appellant.	:	<b>This is a capital case.</b>

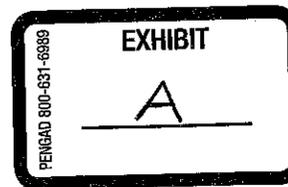
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**AFFIDAVIT**

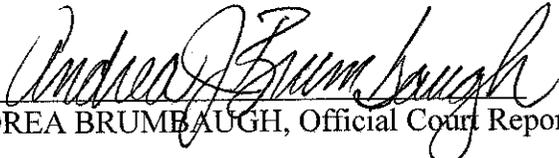
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Now comes the Affiant, Andrea Brumbaugh, being duly cautioned and sworn, and states the following:

- 1) I am the Official Court Reporter who recorded the trial proceedings in the above captioned matter.
- 2) The length of the transcript is likely to exceed several hundred pages.
- 3) In addition to this case, I have continuing court coverage, requiring me to serve as court reporter in active cases and I am in court most of the day.
- 4) I have a backlog of other cases requiring transcription.



5) I need an additional sixty (60) days to complete said transcript of proceedings.

  
ANDREA BRUMBAUGH, Official Court Reporter

Before me this 17<sup>th</sup> day of June, 2010, came Andrea Brumbaugh, the Affiant herein and after having been duly cautioned and sworn, affixed her signature to this Affidavit in my presence.

  
NOTARY PUBLIC

My commission expires: 3/12/14

IN THE SUPREME COURT OF OHIO

STATE OF OHIO, :

Appellee, : Case No.: 10-0576

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Appellant. : **This is a capital case.**

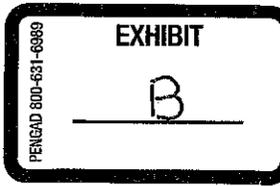
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**AFFIDAVIT**

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Now comes the Affiant, Tina Masters, being duly cautioned and sworn, and states the following:

- 1) I am the Official Court Reporter who recorded the trial proceedings in the above captioned matter.
- 2) The length of the transcript is likely to exceed several hundred pages.
- 3) In addition to this case, I have continuing court coverage, requiring me to serve as court reporter in active cases and I am in court most of the day.
- 4) I have a backlog of other cases requiring transcription.



5) I need an additional sixty (60) days to complete said transcript of proceedings.

Tina Masters  
TINA MASTERS, Official Court Reporter

Before me this 17<sup>th</sup> day of June, 2010, came Tina Masters, the Affiant herein and after having been duly cautioned and sworn, affixed her signature to this Affidavit in my presence.

Shondra K. McQueen  
NOTARY PUBLIC

My commission expires: 3/12/14