

ORIGINAL

In The Supreme Court of Ohio

State of Ohio, :  
Appellee, : Case No. 2010-2198  
-vs- : Appeal taken from Butler County  
Court of Common Pleas  
Calvin McKelton, : Case No. 2010-02-0189  
Appellant. : **Capital Case**

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

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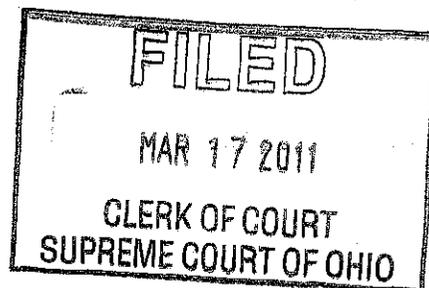
Office of the Ohio Public Defender

Pamela J. Prude-Smithers-0062206  
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Counsel For Appellant



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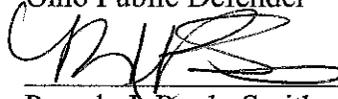
APPELLANT MCKELTON'S MOTION FOR EXTENSION  
OF TIME TO FILE TRANSCRIPT

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Appellant Calvin McKelton, 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 reporter's affidavit as required by Sup. Ct. Prac. R. 19.5(C)(3). (*See* Exhibit A). The reasons for this request are explained in the attached memorandum.

Respectfully submitted,

Office of the  
Ohio Public Defender



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Chief Counsel, Death Penalty Division

Jennifer A. Prillo - 0073744  
Assistant State Public Defender  
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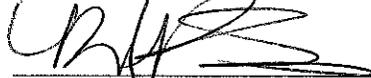
MEMORANDUM

Appellant Calvin McKelton was convicted of capital murder and sentenced to death in the Court of Common Pleas of Butler County. He timely filed his notice of appeal on December 17, 2010. The record is currently due to be filed by appellant on March 21, 2010. *See* Sup. Ct. Prac. R. 19.5(A)(1). However, appellant cannot file the record on March 21, 2010 because the court reporter is unable to complete the trial transcript without an extension of time.

Attached to this motion as Exhibit A is the affidavit of the court reporter responsible for preparing appellant's transcript. *See* Sup. Ct. R. Prac. 19.5(C)(3). As a result of her continuing duties as a court reporter for the Butler County Court of Common Pleas on another death penalty case, as well as the length of appellant Calvin McKelton's trial, the court reporter will be unable to complete the transcript by the March 21, 2010 deadline. (Exhibit A). Accordingly, appellant Calvin McKelton, through counsel, requests a sixty-day extension of time until May 20, 2011 to file the record with the clerk of this Court.

Respectfully submitted,

Office of the  
Ohio Public Defender



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Pamela J. Prude-Smithers-0062206  
Chief Counsel, Death Penalty Division

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Assistant State Public Defender  
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Counsel For Appellant

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing APPELLANT MCKELTON'S MOTION FOR EXTENSION OF TIME TO FILE TRANSCRIPT was forwarded by regular U.S. Mail to Michael Gmoser, Butler County Prosecutor, 315 High Street, 11th Floor, Hamilton, Ohio 45011, this 17th day of March 2011.



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Pamela J. Prude-Smithers-0062206  
Chief Counsel, Death Penalty Division

Counsel For Appellant

IN THE SUPREME COURT OF OHIO

STATE OF OHIO

Trial Case No. CR2010-02-0189

PLAINTIFF-APPELLEE

VS.

Affidavit in Support of  
Motion for an Extension  
Of Time to File Transcript

CALVIN MCKELTON

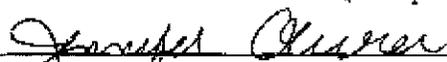
DEFENDANT-APPELLANT

Now comes Jennifer Olivier, Official Court Reporter of the Butler County Common Pleas Court who, having been first duly sworn, does say as follows:

I was present for the majority of all pretrial proceedings and all of the jury trial in the capital murder case of State of Ohio vs. Calvin McKelton, Case No. CR2010-02-0189.

The transcripts for the pretrial hearings and jury trial covered by me are in excess of 2,500 pages and I am unable to complete the transcript on the scheduled due date of March 20, 2011.

I respectfully request an extension of time to complete the transcript as directed until May 20, 2011 without further need to supplement the record.

  
\_\_\_\_\_  
Jennifer Olivier, Official Court Reporter  
Butler County Common Pleas Court

Sworn to before me and subscribed in my presence this 17th day of March, 2011.

  
\_\_\_\_\_  
Notary Public

*My commission expires 8-24-12*

