

ORIGINAL

In the Supreme Court of Ohio

STATE OF OHIO,

Appellee

-vs-

DAVID MARTIN,

Appellant

} Case No 2014-1922

} On Appeal from the Trumbull

} County Court of Common Pleas

} Case No 2012 CR 00735

MOTION OF APPELLANT DAVID MARTIN  
TO ENLARGE TIME TO TRANSMIT TRIAL RECORD

JOHN B. JUHASZ No0023777  
COUNSEL OF RECORD  
E-mail: [JBjuhasz@gmail.com](mailto:JBjuhasz@gmail.com)

LYNN A. MARO No 0052146  
COUNSEL OF RECORD  
E-mail: [schoejlka@aol.com](mailto:schoejlka@aol.com)  
Maro & Schoenike Co.  
7081 West Boulevard, Suite No 4  
Youngstown, Ohio 44512-4362  
Telephone: 330.758.7700  
Facsimile: 330.758.7757  
COUNSEL FOR APPELLANT

Mr. DENNIS WATKINS, Esq. No 009949  
Trumbull County Prosecutor  
160 High Street NW  
Warren, Ohio 44481-1005  
Telephone: 330.675.2426  
Facsimile: 330.675.2431  
COUNSEL FOR APPELLEE

# In the Supreme Court of Ohio

STATE OF OHIO,	}	Case No 2014-1922
Appellee	}	On Appeal from the Trumbull
-vs-	}	County Court of Common Pleas
DAVID MARTIN,	}	Case No 2012 CR 735
Appellant	}	

---

## MOTION OF APPELLANT DAVID MARTIN TO ENLARGE TIME TO TRANSMIT TRIAL RECORD

---

COMES NOW THE APPELLANT, DAVID MARTIN, through the undersigned counsel, and moves this Honorable Court for an Order enlarging by 45 days the time in which Appellant may transmit the record.

For cause, Appellant was convicted of a capital crime and sentenced to death. He filed a Notice of Appeal, directly appealing to this Court from the Trumbull County Court of Common Pleas.

As demonstrated by the accompanying affidavit of the Court Reporter Lori Rittwage, (Exhibit A), made a part hereof by this reference, the trial transcript is not yet complete. The Court Reporter has been

working diligently toward that end, but she has not physically been able to complete the transcript due to the press of other business and the fact that she is needed on a daily basis in the court to which she is assigned to record trials and hearings. As a result, Appellant requires up to 45 days of additional time to complete the transcript and record. Also attached is the affidavit of Karen Infante Allen (Exhibit B), the Trumbull County Clerk of Court. As her affidavit indicates, she cannot transmit the record to this Court until the entire record is complete, which obviously includes the trial transcript.

This Motion is not made for the purpose of delay. As the Court knows, well established appellate law in this State requires the Appellant to direct the court to specific portions of the record claimed to support any proposition of law which Appellant will ask the Court to adopt. This cannot be done without a complete record. The lack of a complete record can work to deny an appellant constitutionally protected freedoms. These include due process of law, equal protection of the laws, the effective assistance of counsel, and meaningful access to the courts. See, e.g., the Sixth and Fourteenth Amendments to the United States Constitution and Article I, Sections 2, 10, and 16 of the Ohio Constitution. See, also, e.g.,

*State, ex rel. Spirko, v. Judges of the Court of Appeals, Third Appellate District*,  
27 Ohio St.3d 13, 501 N.E.2d 625 (1986) (*per curiam*); *State v. Ishmail*, 54  
Ohio St.2d 402, 377 N.E.2d 500 (1978).

WHEREFORE, Appellant prays for an Order of this Court enlarging  
the time within which the record must be transmitted to the Clerk of this  
Court by 45 days, so that the record will now be due on or before March  
23, 2015 (as March 22, 2015 is a Sunday).

Respectfully submitted,



JOHN B. JUHASZ № 0023777)  
E-mail: JBJuhasz@gmail.com  
7081 West Boulevard, Suite № 4  
Youngstown, Ohio 44512-4362  
Telephone: 330.758.7700  
Facsimile: 330.758.7757  
COUNSEL OF RECORD



LYNN A. MARO № 0052146  
Maro & Schoenike Co.  
E-mail: [Schoejlka@aol.com](mailto:Schoejlka@aol.com)  
7081 West Boulevard, Suite № 4  
Youngstown, Ohio 44512-4362  
Telephone: 330.758.7700  
Facsimile: 330.758.7757  
COUNSEL FOR APPELLANT

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing was sent by regular U.S. mail on the 4th day of February, 2015 to: Mr. Dennis Watkins, Esq., Trumbull County Prosecuting Attorney, 160 High Street, NW, Warren, Ohio 44481-1005

  
JOHN B. JUHASZ  
COUNSEL FOR APPELLANT

E:\\$AtOfc\BJ\Appeals\State\Ohio.S.Ct\Martin D 2993\Pleadings\Extend time dr3.wpd Wed 04 Feb 2015 02:24 pm 1424 hrs