

IN THE COURT OF APPEALS OF OHIO
SIXTH APPELLATE DISTRICT
WOOD COUNTY

State of Ohio

Court of Appeals No. WD-11-030

Appellee

Trial Court No. 07CR389

v.

Timothy Rinehart

DECISION AND JUDGMENT

Appellant

Decided: October 12, 2011

* * * * *

Andrew R. Schuman, for appellant.

* * * * *

PER CURIAM.

{¶ 1} This matter is before the court on a "Motion for a court order directing Warden Sheldon to permit counsel to bring his computer into North Central Correctional Institution to review discovery with appellant, motion to waive costs of the appellate proceedings, [and] motion for extension of time in which to file brief and memorandum in support" filed by appellant, Timothy Rinehart, on September 19, 2011. Appellee, the state of Ohio, has not filed a response.

{¶ 2} In his memorandum in support, appellant states that it is necessary for his court-appointed counsel to bring a computer into the prison where appellant is being held so that counsel and appellant can "review certain videographic evidence provided in discovery." Appellant's counsel represents that a similar request has been denied by North Central Correctional Institution's warden, Ed Sheldon. In support of his additional requests, appellant asserts that he is indigent and therefore unable to pay the costs of this appeal, and additional time is necessary to prepare his appellate brief.

{¶ 3} On consideration, appellant's request for this court to allow appellate counsel to bring a computer into prison for the purpose of having appellant view "videographic evidence" that was made available during discovery, but was not necessarily admitted or used at trial, is not well-taken and is denied. As to appellant's request for a waiver of appellate costs, a review of the record shows that appellant has already been found indigent and has received appointed appellate counsel. Accordingly, his obligation to pay the filing fee is hereby waived. See 6th Dist.Loc.App.R. 7(B). However, appellant's request to waive all appellate costs is premature and not well-taken, since he has not yet been assessed costs for this appeal pursuant to App.R. 24. *State v. Thomas*, 6th Dist. No. WD-10-022, 2011-Ohio-4742. Finally, the record shows that on September 20, 2011, this court issued an order granting appellant's request for a 30-day extension of time in which to file his appellate brief.

{¶ 4} Appellant's motion is hereby denied in part and granted in part. It is so ordered.

MOTION DENIED IN PART
AND GRANTED IN PART.

Mark L. Pietrykowski, J.

JUDGE

Thomas J. Osowik, P.J.

JUDGE

Stephen A. Yarbrough, J.
CONCUR.

JUDGE

This decision is subject to further editing by the Supreme Court of Ohio's Reporter of Decisions. Parties interested in viewing the final reported version are advised to visit the Ohio Supreme Court's web site at:
<http://www.sconet.state.oh.us/rod/newpdf/?source=6>.