## IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF OHIO WESTERN DIVISION AT CINCINNATI

FRANKLIN WOODS,

Petitioner, : Case No. 1:20-cv-618

- vs - District Judge Timothy S. Black

Magistrate Judge Michael R. Merz

WARDEN, Warren Correctional Institution

:

Respondent.

## DECISION AND ORDER DENYING MOTION TO EXPAND THE RECORD

This habeas corpus case is before the Court on Petitioner's Motion to Expand the Record (ECF No. 35). The materials sought to be added to the record are an "Audio CD used in the motion to suppress hearing." However, no audio recording was filed with the motion. Rather, there are three exhibits described as follows:

- A sixteen-page document labeled "Statement of Franklin Woods" (Motion, ECF No. 35, PageID
  1768-83
- 2. A second ten-page document labeled "Statement of Franklin Woods." Id. at PageID 1783-93.
- 3. An untitled nine-page document with a number of redactions. PageID 1794-1802.

In the underlying criminal case, Petitioner filed a motion to suppress

all evidence related to, and stemming from, the interrogations of Defendant conducted at the Lawrence County Children's Services Office by Children's Services Agents Randy Thomas and Amber Stamper; and by Sheriff's Deputy Brian Chaffins, on November 17,

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2015; because Defendant was not properly given Miranda warnings, and the interrogators engaged in coercive and deceptive practices in

order to obtain a confession.

(Motion, State Court Record ECF No. 7, Ex. 6, PageID 117.) The Motion was heard on June 21,

2016; a transcript was filed March 27, 2017. Id. According to the transcript, the State submitted

two recordings of statements made by Petitioner which were not played at the hearing, but

submitted to be listened to by Judge Cooper at a later time. *Id.* at PageID 514.

The Motion is denied for the following reasons.

First of all, the Motion is very untimely. The State Court Record in this case was filed

October 13, 2020 (ECF No. 7). If it needed supplementation regarding the motion to suppress,

Petitioner should have made his motion before the Court considered the case on the merits. The

case has been ripe for Judge Black's consideration on the merits since April 14, 2021. The Motion

is not accompanied by any argument about how these purported transcripts would change the result

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in the case.

Second, these purported transcripts are completely unauthenticated, containing no proof

that they are what they purport to be.

Accordingly the Motion to Expand the Record is DENIED.

June 2, 2022.

s/ Michael R. Merz United States Magistrate Judge