

# In the Supreme Court of Ohio

State of Ohio,

Plaintiff-Appellee,

Case No. 2006-1366

v.

Duane Allen Short,

Defendant-Appellant.

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On Appeal from the  
Montgomery County Court of Common Pleas  
Case No. 2004 CR 02635

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**Motion for Stay of Execution of Death  
Sentence Pending Direct Appeal**

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**The Case Involves a Sentence of Death**

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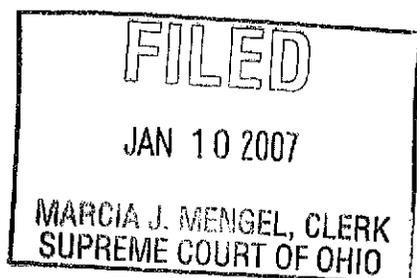
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***Motion***

Duane Allen Short moves the Court for an order staying his execution pending the resolution of the direct appeal in this Court.

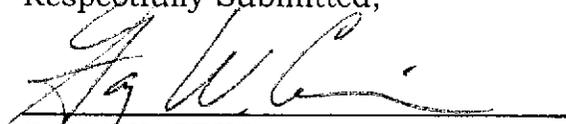
***Memorandum in Support of Motion***

Mr. Short was sentenced to death earlier this year. His appeal is now pending before this court.

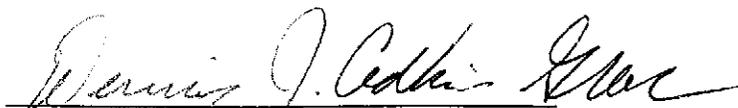
The United States Supreme Court has held that all defendants are entitled to a stay of execution for the direct appeal of their cases, *McDonald v. Missouri*, 464 U.S. 1306 (1984), and *Cole v. Texas*, 499 U.S. 1301 (1991). This Court has routinely granted stays in capital cases, *State v. Bies*, 75 Ohio St.3d 1423, 662 N.E.2d 25 (1996).

In conclusion, we request this Court to grant an order staying Mr. Short's execution pending the resolution of the direct appeal in this Court.

Respectfully Submitted,



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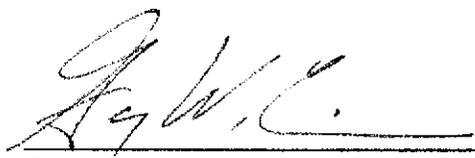
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***Certificate of Service***

I certify that on January 10, 2007, I served a copy of this Motion by depositing it in the United States mail, first class postage prepaid, addressed to:

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