

IN THE SUPREME COURT OF OHIO

STATE OF OHIO,
Appellant,

: Case No. 04-1163
: *Death Penalty Case*

-vs-

MARVIN G. JOHNSON,
Appellee.

: On appeal from Guernsey County
Court Of Common Pleas
: Case No. 03 CR 116

:

APPELLANT'S MOTION FOR STAY OF EXECUTION

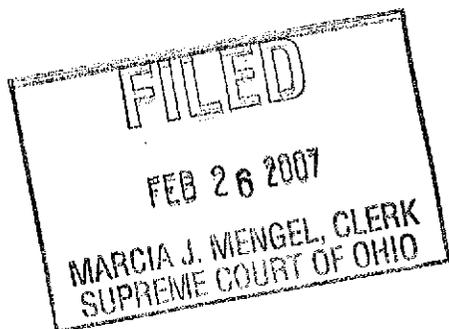
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Appellant, : *Death Penalty Case*

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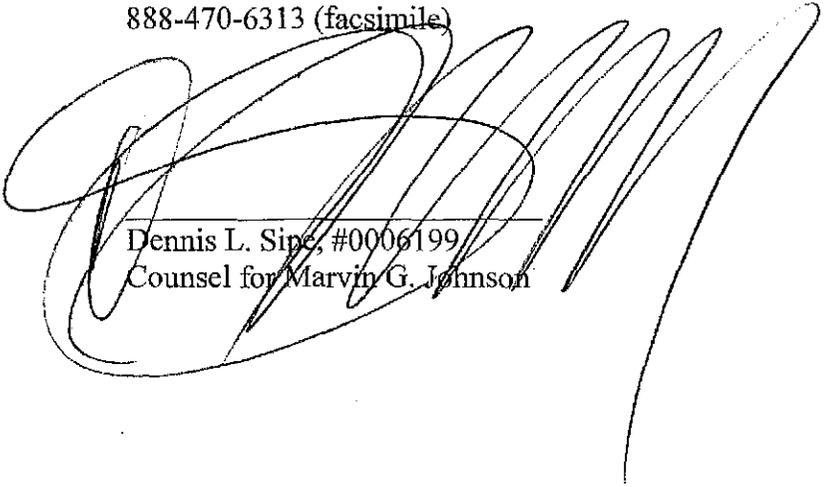
Now comes Defendant-Appellant, Marvin G. Johnson, and moves this Court for a stay of execution pending the United States Supreme Court ruling on his petition for certiorari. The reasons in support of this motion are set forth in the attached Memorandum in Support.

Respectfully submitted,

Dennis L. Sipe*, #0006199
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Dennis L. Sipe, #0006199
Counsel for Marvin G. Johnson

MEMORANDUM IN SUPPORT

On December 13, 2006 this Court affirmed the conviction and death sentence imposed by the Guernsey County Court Of Common Pleas. *State v. Johnson*, 112 Ohio St. 3d 210, 2006-Ohio-6404. On February 7, 2007, this Court denied Appellant's Motion for Reconsideration. *State v. Johnson*, ___ Ohio St. 3d ___, 2007-Ohio-239. This Court, simultaneously with the affirmance of Appellant's conviction and death sentence, set an execution for March 20, 2007.

It is the intent of Appellant to petition the United States Supreme Court for a petition for writ of certiorari from this Court's decision. His petition is due May 8, 2007. Capital defendants are "entitled to ... review before paying the ultimate penalty. The right of review is otherwise rendered utterly meaningless" if the defendant is executed prior to the completion of that review. *McDonald v. Missouri*, 464 U.S. 1306, 1307 (1984)(Blackmun, J., Circuit Justice).

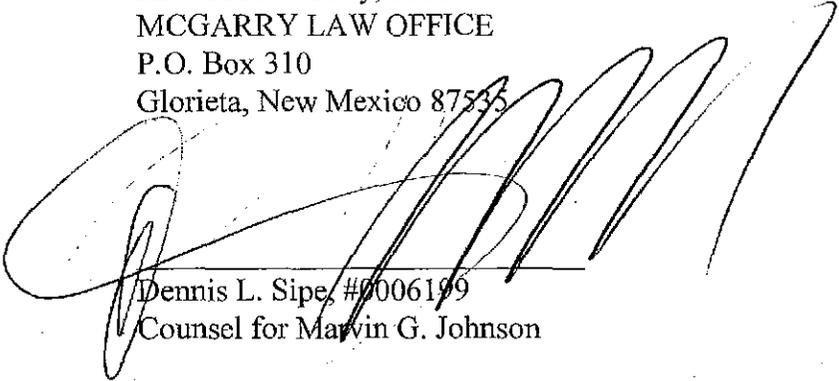
WHEREFORE, Appellant Marvin Johnson respectfully requests that this Court stay his execution date so that he seek review from the United States Supreme Court.

Respectfully submitted,

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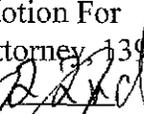
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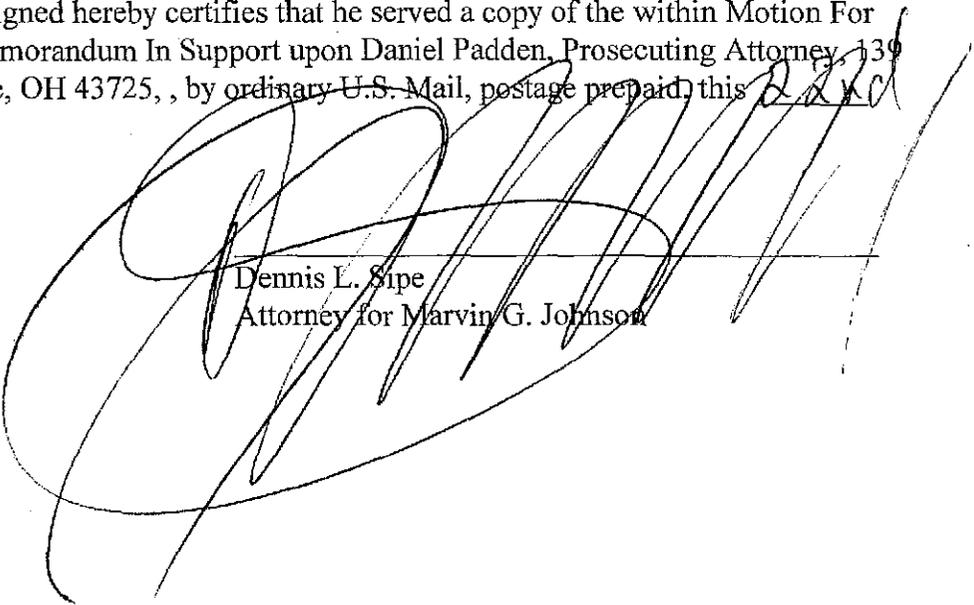
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Counsel for Marvin G. Johnson

CERTIFICATE OF SERVICE

The undersigned hereby certifies that he served a copy of the within Motion For Stay Of Execution and Memorandum In Support upon Daniel Padden, Prosecuting Attorney, 139 West 8th Street, Cambridge, OH 43725, , by ordinary U.S. Mail, postage prepaid, this  day of February, 2007.



Dennis L. Sipe
Attorney for Marvin G. Johnson