

IN THE SUPREME COURT OF OHIO

STATE OF OHIO,

Plaintiff-Appellee,

-vs-

DONNA ROBERTS,

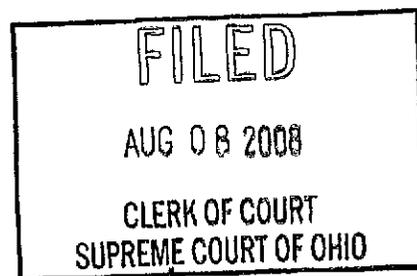
Defendant-Appellant.

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Case No. 2007-2288

DEATH PENALTY APPEAL

MOTION TO CONSOLIDATE  
WITH PREVIOUS SUPREME  
COURT APPEAL



COUNSEL FOR APPELLEE:

DENNIS WATKINS, ESQ.  
Trumbull County Prosecutor  
Administration Building, 4<sup>th</sup> Floor  
160 High Street  
Warren, OH 44481  
(330) 675-2426

LuWayne Annos  
Assistant Trumbull County Prosecutor

COUNSEL FOR APPELLANT

DAVID L. DOUGHTEN, ESQ.  
Regis. No. 0002847  
4403 St. Clair Avenue  
Cleveland, OH 44103-1125  
(216) 361-1112

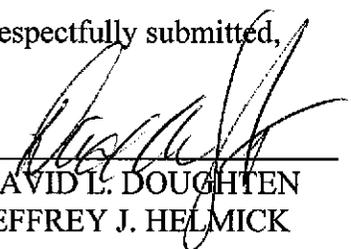
JEFFREY J. HELMICK  
Regis. No. 0040197  
1119 Adams Street  
Toledo, Ohio 43604-5508  
(419) 243-3800

IN THE SUPREME COURT OF OHIO

STATE OF OHIO	:	Case No. 2007-2288
	:	
Plaintiff-Appellee	:	DEATH PENALTY APPEAL
	:	
-vs-	:	
	:	
DONNA ROBERTS	:	<u>MOTION FOR EXTENSION OF</u>
	:	<u>TIME TO FILE BRIEF ON</u>
	:	<u>THE MERITS-STIPULATION</u>
Defendant-Appellant	:	
	:	

Now comes the appellant, Donna Roberts, by and through undersigned counsel and, and requests that the above captioned case be consolidated with State v. Roberts, S.Ct. Case No. 03-1441. The reasons for this request are set forth in the attached memorandum in support.

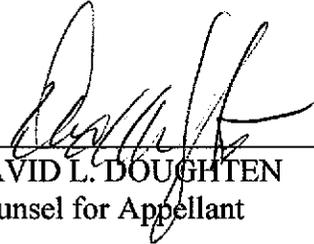
Respectfully submitted,

  
\_\_\_\_\_  
DAVID L. DOUGHTEN  
JEFFREY J. HELMICK

Counsel for Appellant

**CERTIFICATE OF SERVICE**

A copy of the foregoing appellant's MOTION TO CONSOLIDATE was served upon Dennis Watkins, Trumbull County Prosecutor and/or LuWayne Annos, Esq. Assistant Trumbull County Prosecutor, Administration Building, 160 High Street, Warren, Ohio 44481, by Regular U. S. mail on this 6<sup>th</sup> of August, 2008.

  
\_\_\_\_\_  
DAVID L. DOUGHTEN  
Counsel for Appellant

## MEMORANDUM IN SUPPORT

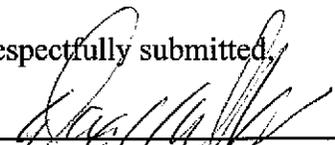
On June 20, 2003, Judge Stuard of the Trumbull County Common Pleas Court filed his Opinion pursuant to Ohio Rev. Code Ann. Section 2929.03(F), sentencing Donna Roberts to death. Subsequently, Roberts pursued relief from his convictions and sentences before this Court. This Court reversed her death sentence and remanded his case to the trial court for further proceedings. State v. Roberts (2006), 110 Ohio St. 3d 71, 2006 Ohio 3665.

On October 22, 2007, Judge Stuard held a sentencing hearing. On October 29, 2007, Judge Stuard filed his Opinion pursuant to Ohio Rev. Code Ann. Section 2929.03(F), again sentencing Roberts to death. Roberts has filed a Notice of Appeal from that sentence with this Court and been assigned the above case number. Roberts now requests that this appeals be consolidated with the Courts previous appeal, Case No. 03-1441, for review in this Court.

The appropriateness of Roberts's death sentence is presented in both appeals. As this Court did not address the appropriate of sentence on the former appeal due to the reversal of the sentence, it must now address the issue. Judicial economy would be served by consolidation of these cases allowing this Court to examine all aspects of Campbell's death sentence in a single appeal. In addition, in order for the Court to review the full record to determine the issues and to ensure Robert's right to effective assistance of direct appeal counsel, the complete record must be file with the court.

Wherefore, Roberts requests that this appeal be consolidated with the appeal in Case No. 03-1441.

Respectfully submitted,

  
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David L. Doughten  
Jeffrey J. Helmick