

ORIGINAL

2009-0678

IN THE SUPREME COURT OF OHIO

THE STATE OF OHIO	)	
	)	On Appeal from the Lake County
Plaintiff-Appellant	)	Court of Appeals Eleventh Appellate
	)	District
vs.	)	
	)	
JOSEPH PEPKA	)	Court of Appeals Case No.: 2008 L 016
	)	
Defendant-Appellee	)	

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CONDITIONAL MOTION FOR STAY OF EXECUTION

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Counsel for Appellee, Joseph Pepka

RECEIVED  
 APR 27 2010  
 CLERK OF COURT  
 SUPREME COURT OF OHIO

FILED  
 APR 27 2010  
 CLERK OF COURT  
 SUPREME COURT OF OHIO

Joseph Pepka hereby moves this Court for a conditional Stay of Execution of the Judgment, if the Motion for Reconsideration is denied, for 90 days in order for him to file a Petition for Certiorari in the United States Supreme Court.

If this Court's judgment of reversal is not vacated, or itself reversed, implementation of the heretofore interrupted, and then stayed, sentence of imprisonment will be undertaken. Because the Due Process-Ex Post Facto question was raised in the Motion for Reconsideration, Joseph Pepka will have an opportunity to seek review in the Supreme Court of the United States.

Rule 13 of the U.S. Supreme Court's Rule of Practice says a petition for a Writ of Certiorari is timely if filed with the Clerk in Washington not later than 90 days after the state court judgment, or any order denying a petition for rehearing.

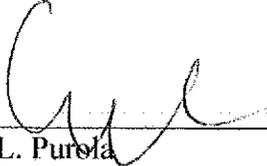


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## CERTIFICATE OF SERVICE

A copy of the foregoing Conditional Motion for Stay of Execution was sent by regular U. S. mail, postage prepaid, this 23 day of April, 2010, to Charles E. Coulson, Lake County Prosecutor, P. O. Box 490, Painesville, Ohio 44077.

  
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Albert L. Purofa  
Attorney for Joseph Pepka