

ORIGINAL

In The Supreme Court Of Ohio

State Of Ohio,	:	
	:	
Appellee,	:	
	:	
-Vs-	:	Case No.: 2006-1366
	:	
Duane A. Short,	:	
	:	
Appellant.	:	<b>This Is A Capital Case.</b>

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**Motion For Stay Of Execution Pending Disposition of Available Remedies  
Execution scheduled January 9, 2013**

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Montgomery County Prosecutor

Office of the  
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<b>AUG 18 2011</b>
<b>CLERK OF COURT</b>
<b>SUPREME COURT OF OHIO</b>

**In The Supreme Court Of Ohio**

State Of Ohio, :  
Appellee, :  
-Vs- : Case No.: 2006-1366  
Duane A. Short, :  
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**Motion For Stay Of Execution Pending Disposition of Available Remedies**

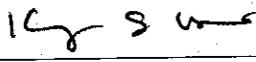
**Execution scheduled January 9, 2013**

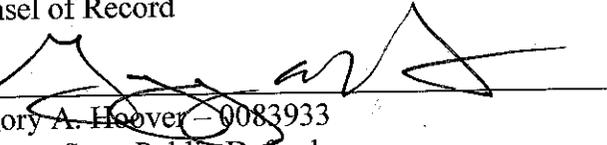
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Duane A. Short moves this Court to stay his **execution set for January 9, 2013**, pending disposition of his available remedies. The reasons for this motion are more fully set forth in the attached memorandum.

Respectfully submitted,

Office of the  
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**Memorandum In Support Of Motion To Stay Execution**  
**Pending Disposition Of Appeal**

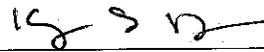
Duane Short now moves this Court for an order continuing his stay of execution pending the exhaustion of available postconviction remedies, including all appeals. Under *State v. Steffen*, 70 Ohio St. 3d 399, 639 N.E.2d 67 (1994), Short is entitled to a stay of execution until he has “exhausted . . . one round of postconviction relief, and one motion for delayed reconsideration . . . in the court of appeals . . . .” *Id.* at 77. See also *State v. Glenn*, 33 Ohio St. 3d 601, 514 N.E.2d 869 (1987).

On June 11, 2007, Short filed his Petition to Vacate or Set Aside Sentence Pursuant to Ohio Revised Code Section 2953.21. The petition and related motions are pending in the trial court. Thus, a stay is needed to ensure that the issues raised in his postconviction petition are fully resolved. This Court has granted similar motions. See, e.g., *State v. Raglin*, 85 Ohio St. 3d 1429, 707 N.E.2d 945 (1999).

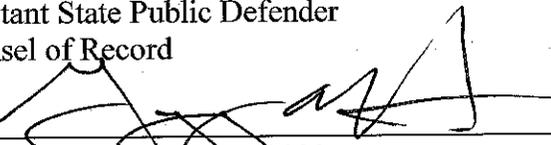
WHEREFORE, Duane Short respectfully requests that this Honorable Court grant a stay of execution pending the exhaustion of available state remedies, and more specifically, his postconviction proceedings, in accordance with *Steffen*, 70 Ohio St. 3d 399, 639 N.E.2d 67.

Respectfully submitted,

Office of the  
Ohio Public Defender

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