

ORIGINAL

In The Supreme Court Of Ohio

State Of Ohio, :
Appellee, :
-vs- : Case No. 2007-1741
Edward Lang, :
Appellant. : **Death Penalty Case**

On Appeal From the Court of Common Pleas
Stark County, Ohio
Case No. 2006 CR 1824A

**Motion for Stay of Execution pending Disposition of Available Remedies
Execution Scheduled for June 19, 2013**

John D. Ferrero - 0018590
Stark County Prosecutor

Office of the
Ohio Public Defender

Mark Caldwell - 0030663

Rachel Troutman -- 0076741
Assistant State Public Defender
Counsel of Record

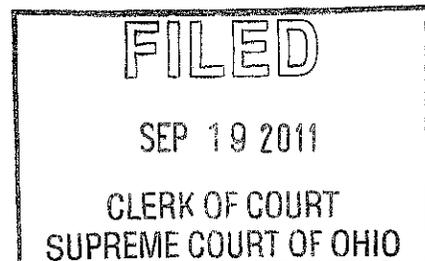
Jennifer A. Prillo – 0073744
Assistant State Public Defender

Stark County Office Building
Stark County Prosecutor's Office
110 Central Plaza South, Suite 510
Canton, Ohio 44702-1413

Office of the Ohio Public Defender
250 East Broad Street, Suite 1400
Columbus, Ohio 43215-2998
(614)466-5394
(614)644-0708 (FAX)

Counsel For Appellee

Counsel for Appellant



In The Supreme Court Of Ohio

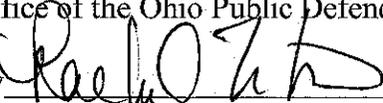
State Of Ohio, :
Appellee, :
-vs- : Case No. 2007-1741
Edward Lang, :
Appellant. : **Death Penalty Case**

**Motion for Stay of Execution pending Disposition of Available Remedies
Execution Scheduled for June 19, 2013**

Edward Lang moves this Court to stay his **execution set for June 19, 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 Ohio Public Defender

By 

Rachel Troutman – 0076741

Assistant State Public Defender

Counsel of Record

Jennifer A. Prillo – 0073744

Assistant State Public Defender

250 East Broad Street, Suite 1400

Columbus, Ohio 43215

(614)466-5394

(614)644-0708 (FAX)

Counsel For Appellant

Memorandum In Support

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

Lang has not yet exhausted all of his state remedies. This Court issued its decision denying his direct appeal on August 31, 2011, but that has not disposed of Lang’s state appeals. He has filed a Motion for Reconsideration in this Court, and he also has pending a Memorandum in Support of Jurisdiction regarding postconviction relief. Furthermore, because Lang was entitled to effective assistance of counsel in his first appeal of right, he may file an Application for Reopening pursuant to Rule 11.6 of the Supreme Court Rules of Practice.

WHEREFORE, Edward Lang respectfully requests that this Honorable Court grant a stay of execution pending the exhaustion of available state remedies in accordance with *Steffen*, 70 Ohio St. 3d 399, 639 N.E.2d 67.

Respectfully submitted,

Office of the Ohio Public Defender

By 

Rachel Troutman – 0076741

Assistant State Public Defender

Counsel of Record

By 

Jennifer A. Prillo – 0073744

Assistant State Public Defender

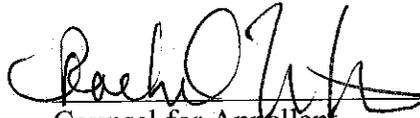
250 East Broad Street, Suite 1400

Columbus, Ohio 43215

(614)466-5394
(614)644-0708 (FAX)
Counsel For Appellant

Certificate of Service

I hereby certify that a true copy of **Motion for Stay of Execution** was forwarded by regular U.S. Mail to John D. Ferrero, Prosecutor and Mark Caldwell, Assistant Prosecutor, Stark County, 110 Central Plaza South, Suite 510, Canton, Ohio 44702, this 9th day of September, 2011.


Counsel for Appellant