

IN THE SUPREME COURT OF OHIO

STATE OF OHIO, : Case No. 2011-2005
Appellee, :
 : *Death Penalty Case*
-vs- :
JASON DEAN, : Execution Date:
Appellant : March 23, 2012

**ON APPEAL FROM THE CLARK COUNTY
COURT OF COMMON PLEAS
CLARK COUNTY, OHIO, CASE NO. 05 CR 0348**

JASON DEAN'S MOTION FOR STAY OF EXECUTION

Kathleen McGarry*, #0038707
*Counsel of Record
McGarry Law Office
P.O. Box 310
Glorieta, New Mexico 87535
505-757-3989 (voice)
888-470-6313 (facsimile)
kate@kmcgarrylaw.com

William S. Lazarow (#0014625)
Attorney at Law
400 South Fifth Street, Suite 301
Columbus, OH 43215
614.228.9058
614.221.8601 Fax
BillLazarow@aol.com

Counsel for Appellant, Jason Dean

FILED
DEC 21 2011
CLERK OF COURT
SUPREME COURT OF OHIO

RECEIVED
DEC 21 2011
CLERK OF COURT
SUPREME COURT OF OHIO

Motion for Stay of Execution

Appellant Jason Dean, through counsel, requests a stay of execution to appeal his convictions and death sentence. Appellant is now scheduled to be executed on March 23, 2012. (See Sentencing Entry, attached) Mr. Dean's Notice of Appeal was filed on November 30, 2011. The record in the case is not due until February 28, 2012. Without a stay of execution from this Court, Appellant will be executed before the Court can even begin its mandatory review of this case. *See* O.R.C. § 2929.05(A). Accordingly, Appellant requests a stay of execution from this Court to pursue his appeal as of right from the judgment of the trial court.

Respectfully submitted,

Kathleen McGarry*, #0038707

*Counsel of Record

McGarry Law Office

P.O. Box 310

Glorieta, New Mexico 87535

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888-470-6313 (facsimile)

kate@kmcgarrylaw.com

and

William S. Lazarow (#0014625)

Attorney at Law

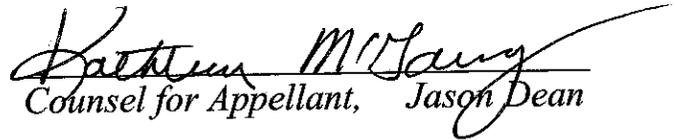
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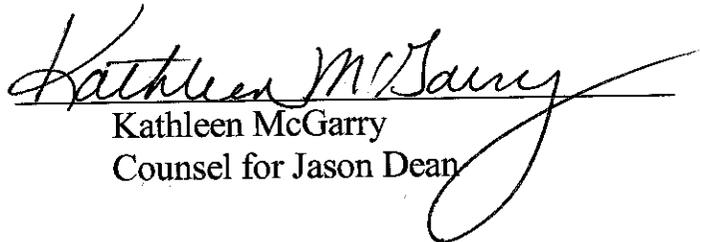
614.221.8601 Fax

BillLazarow@aol.com


Counsel for Appellant, Jason Dean

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing Motion for Stay of Execution was forwarded by regular U.S. Mail to D. Andrew Wilson, Prosecuting Attorney, P.O. Box 1608, Springfield, Ohio 45501, this 19th. day of December, 2011.


Kathleen McGarry
Counsel for Jason Dean

**IN THE COURT OF COMMON PLEAS
CLARK COUNTY, OHIO**

STATE OF OHIO,

Plaintiff,

- vs. -

JASON DEAN,

Defendant.

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Case No. 05-CR-348

ENTRY

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NON VINCENT, CLERK
COMMON PLEAS COURT
CLARK COUNTY, OHIO

The Defendant was found guilty by a jury of the following counts: Count One attempted murder with a firearm specification; Count Two, attempted murder with a firearm specification, Count Three, aggravated robbery with a firearm specification; Count Five, improperly discharging a firearm into a habitation with a firearm specification; Count Six, improperly discharging a firearm in to a habitation with a firearm specification; Count Seven, attempted murder with a firearm specification; Count Eight attempted murder with a firearm specification; Count Nine, attempted murder with a firearm specification; Count Ten, attempted murder with a firearm specification; Count Twelve, aggravated murder with a firearm specification, a specification, that the aggravated murder of Titus Arnold was as part of a course of conduct involving the purposeful killing of, or attempt to kill, two or more people, and a specification that the murder of Titus Arnold was committed while the Defendant was committing, or attempting to commit, aggravated robbery, and that the aggravated murder was committed with prior calculation and design; Count Thirteen, aggravated murder with a firearm specification, a specification, that the aggravated murder of Titus Arnold was as part of a course of conduct involving the purposeful killing of, or attempt to kill, two or more people, and a specification that the murder of Titus Arnold was committed while the Defendant was committing, or attempting to commit, aggravated robbery, and that the aggravated murder was committed with prior calculation and design; and Count Fourteen, aggravated robbery with a firearm specification. Each count set forth under the Ohio Revised Code Sections as contained in the indictment.

The Defendant was also convicted by the Court of four counts of having weapons while under disability as set forth under the Ohio Revised Code and contained in the Counts Four, Eleven, Fifteen, and Sixteen of the indictment. The Defendant was found guilty of Counts Four, Eleven, Fifteen, and Sixteen after having knowingly, voluntarily, and intelligently waived his right to a jury trial both in writing and in open court.

On September 30, 2011, a sentencing hearing was held with respect to all of the charges set forth above. The Defendant was present in court with his attorneys, Gregory Meyers, Jerry McHenry, and Robert Barnhart. Present for the State were Clark County Prosecutor, D. Andrew Wilson, and Special Assistant Prosecuting Attorneys, Stephen Schumaker, and Darnell Carter.

The Defendant was offered an opportunity to make statement. During his allocution, the Defendant thanked the Court for being fair, and also thanked his attorneys for their work on his behalf. Arguments were made for the Defendant by Mr. Meyers and on for the State by Mr. Wilson. Although the victim's representative was offered an opportunity to speak, the State offered no victim impact statement.

The Court considered all of the information presented at the hearing, the record, and the factors pertaining to the seriousness of the offense. The Court further considered the likelihood of recidivism, and the factors contained in Ohio Revised Code Sections 2929.12, and 2929.13. The Court being fully informed of the circumstances surrounding the charges found no cause which would preclude it from pronouncing the sentence. Therefore, under the law and judgment of the Court, and the State of Ohio, the Defendant is sentenced to a basic prison term of 10 years imprisonment on Count One, 10 years imprisonment on Count 2, 10 years imprisonment on Count Three, 5 years imprisonment on Count Four, 8 years on Count Five, 8 years imprisonment on Count Six, 10 years imprisonment on Count Seven, 10 years imprisonment on Count Eight, 10 years imprisonment on Count Nine, 10 years imprisonment on Count Ten, 5 years imprisonment on Count Eleven, 10 years imprisonment on Count Fourteen, 5 years imprisonment on Count Fifteen, and 5 years imprisonment on Count Sixteen. The Defendant is further sentenced to an additional term of three years imprison as a mandatory and consecutive term pursuant to Revised Code Section 2929.14(D)(1) on each of the firearm specifications, being one additional term for the merged Counts One, Two, and Three; One additional term for the merged Counts Five, Six, Seven, Eight, Nine, and Ten; one additional sentence for the merged Counts Twelve, Thirteen, and Fourteen. These prison terms shall be served in the custody of the Director of the Department of Rehabilitation and Corrections. The Court will grant credit for 2,354 days towards that sentence as the record shows that the Defendant has spent this amount of time incarcerated while awaiting disposition of these charges.

As to the penalty on Count Twelve of the indictment, and the related specifications, the Court having found by separate opinion, that after weighing all of the appropriate evidence, all of the mitigating factors, the arguments of counsel, and the applicable law, that the aggravating circumstances set forth in Specification One of Count Twelve outweighs the mitigating factors beyond a reasonable doubt. Furthermore, the Court accepts the recommendation of the jury and hereby sentences Jason Dean to death for the aggravated murder of Titus Arnold as charged in Count Twelve of the indictment. The Court orders that an execution date shall be set for the 23rd day of March, 2012, to be carried out by the appropriate authorities of the State of Ohio. This execution date is subject to further order by the Supreme Court of Ohio.

The Court further orders that all of these sentences be served consecutively to one and other for a total sentence of Death plus one hundred twenty-five years of imprisonment in the Ohio State Penitentiary. The consecutive sentences are necessary to protect the public from future crime, and consecutive sentences are not disproportionate to the seriousness of the offender's conduct and to the danger that the offender poses to the public. The Court further finds that all of these offenses were committed as part of a course of conduct, and the harm caused by the offenses was so great or so unusual that no single prison term for any one of the offenses adequately reflects the seriousness of the offender's conduct. The Court also finds that the

THE NATURE OF CRIMINAL CONDUCT DEMONSTRATES THAT CONSECUTIVE SENTENCES ARE
NECESSARY TO PROTECT THE PUBLIC FROM FURTHER CRIME BY THE OFFENDER.

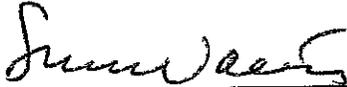
The Court hereby imposes the mandatory period of five years post-release control.
If the Defendant violates the terms of post-release control, then the Parole Authority will
impose a prison term of up to one half of the stated prison term originally imposed and
may also impose additional post-release control for a period of up to eight years. If the
post-release control violation results from a conviction for another felony offense, the
Court sentencing the Defendant may impose a prison term on the post-release control
violation up to the remaining period of post-release control or one year, whichever is
greater, to be served prior to and consecutive with the sentence on the new felony
offense.

The Defendant was advised that he may never again possess a firearm, and if he is
found to be in possession of a firearm, he is subject to prosecution and imprisonment by
both the State of Ohio and the federal authorities. The Defendant is ordered to provide a
DNA sample to the State of Ohio, and the Defendant is ordered to pay the costs of this
action.

The Court hereby appoints Kathleen McGarry and William Lazarow as death
penalty certified appellate counsel to represent the Defendant on appeal, and hereby
orders that said counsel file a notice of appeal on behalf of the Defendant at no cost to
the Defendant.

The Defendant is hereby remanded to the custody of the Director of the
Department of Rehabilitation and Corrections forthwith, to be held on death row
pending his execution.

IT IS SO ORDERED:


SUMNER WALTERS, JUDGE