

**IN THE SUPREME COURT OF OHIO**

STATE OF OHIO,

Appellee,

vs.

ANTHONY BELTON,

Appellant.

\* Supreme Court Case No. 12-0902

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\* On Appeal from the

\* Lucas County Court of

\* Common Pleas

\*

\*

\* Common Pleas

\* Case No. CR08-2934

**DEATH PENALTY CASE**

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**MOTION FOR STAY OF EXECUTION OF APPELLANT,  
ANTHONY BELTON**

**EXECUTION DATE: AUGUST 1, 2012**

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COUNSEL FOR APPELLEE, STATE OF OHIO

RECEIVED

JUN 18 2012

CLERK OF COURT  
SUPREME COURT OF OHIO

FILED

JUN 18 2012

CLERK OF COURT  
SUPREME COURT OF OHIO

Motion for Stay of Execution  
of Appellant Anthony Belton

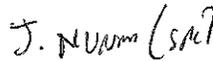
Appellant, Anthony Belton, through undersigned counsel, moves this Court to stay his execution now set for August 1, 2012, pending filing and disposition of his appeal before this Court. The reasons for this motion are more fully set forth in the following memorandum in support.

Respectfully submitted,



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COUNSEL FOR APPELLANT,  
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**MEMORANDUM IN SUPPORT OF MOTION FOR STAY OF EXECUTION**

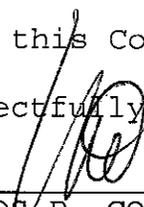
Appellant, Anthony Belton, through undersigned counsel, moves this Court for a stay of execution of sentence, currently scheduled for August 1, 2012, pending completion of his direct appeal by this Court.

Mr. Belton fully intends to pursue his appeal before this Court. At this point he is waiting for the record to be transmitted to this Court. Under this Court's decisions in *State v. Glenn* (1987), 33 Ohio St. 3d 601, and *State v. Steffen* (1994), 70 Ohio St.3d 399, appellant is entitled to a stay of execution until he has "exhausted direct review, . . .one round of post-conviction relief, and one motion for delayed reconsideration in the court of appeals and in the Supreme Court . . . ." 70 Ohio St.3d at 412.

In this case, the appellate process continues as Mr. Belton intends to pursue his direct appeal. Moreover, the deadline for filing the merit brief with this Court will not expire until after the scheduled execution date. As a consequence, absent a stay of execution, the principles of fairness and justice underlying *Glenn* and *Steffen* would be rendered nullities and the procedures Appellant seeks to pursue to vindicate his rights would be rendered illusory.

Accordingly, and in the interests of justice and not delay, Appellant asks this Court to stay his execution pending the filing and disposition of his direct appeal to this Court.

Respectfully submitted,



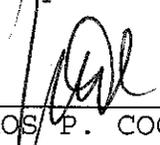
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SPIROS P. COCOVES  
JEFFREY P. NUNNARI

COUNSEL FOR APPELLANT,  
ANTHONY BELTON

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing motion for stay of execution was sent by regular U.S. Mail, postage prepaid, to Julia Bates, Lucas County Prosecuting Attorney, Lucas County Courthouse, 700 Adams Street, Toledo, Ohio 43624, counsel of record for appellee, State of Ohio, this 18<sup>th</sup> day of June, 2012.

  
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SPIROS P. COCOVES  
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ANTHONY BELTON