

ORIGINAL

In The Supreme Court Of Ohio

State Of Ohio, :

Appellee, :

-Vs- : Case No.: 2008-0525

Phillip L. Jones, :

Appellant. : **This Is A Capital Case.**

**Motion For Stay Of Execution Pending Disposition of Available Remedies
Execution Scheduled March 11, 2015**

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Summit County Prosecutor

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Counsel of Record

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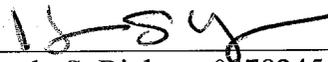
Motion For Stay Of Execution Pending Disposition of Available Remedies

Execution Scheduled March 11, 2015

Phillip L. Jones moves this Court to stay his **execution set for March 11, 2015**, 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

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Memorandum In Support Of Motion To Stay Execution
Pending Disposition Of Appeal

Phillip Jones 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), Jones 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 March 23, 2009, Jones filed his Petition to Vacate or Set Aside Sentence Pursuant to Ohio Revised Code Section 2953.21. The petition was dismissed as premature on January 20, 2010, because the trial court had not properly advised Jones of his post-release control obligations. After Jones had been so advised, he renewed all of his requests on April 14, 2010. The Court of Appeals for the Ninth District of Ohio reversed and remanded the trial court’s dismissal and re-instated Jones’ original petition on August 18, 2010. On October 25, 2010, the trial court dismissed Jones’ postconviction petition.

Jones appealed the trial court’s dismissal of his petition to the Court of Appeals for the Ninth District of Ohio on January 10, 2011. On November 23, 2011, the Court of Appeals remanded the case to the trial court and ordered that an evidentiary hearing be held. The evidentiary hearing is still pending. 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, Phillip Jones 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,

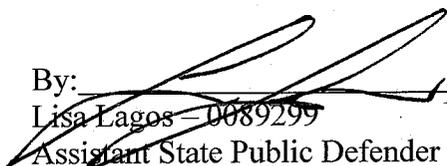
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Certificate Of Service

I hereby certify that a true copy of the foregoing **Motion For Stay Of Execution** was forwarded by regular U.S. mail to Sheri Bevan Walsh, Summit County Prosecuting Attorney, and Heaven DiMartino, Assistant Summit County Prosecuting Attorney, 53 University Avenue, Akron, Ohio 44308 on the 11th day of January, 2013.

By: 

Kimberly S. Rigby - 0078245

Counsel for Appellant