

In The Supreme Court Of Ohio

State of Ohio, :  
Appellee, :  
-vs- : Case No.: 2012-1212  
Caron Montgomery, :  
Appellant. : **This Is A Capital Case.**

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Caron Montgomery's Motion for Stay of Execution  
**Execution Date: May 22, 2013**

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Office of the Ohio Public Defender

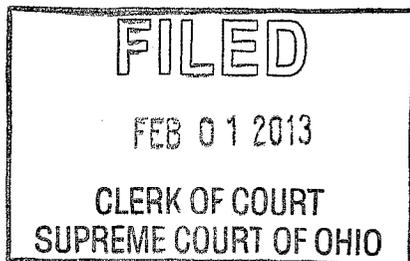
Kathryn L. Sandford – 0063985  
Assistant State Public Defender  
[Kathryn.Sandford@opd.ohio.gov](mailto:Kathryn.Sandford@opd.ohio.gov)  
Counsel of Record

Jennifer A. Prillo – 0073744  
Assistant State Public Defender  
[Jennifer.Prillo@opd.ohio.gov](mailto:Jennifer.Prillo@opd.ohio.gov)

Gregory A. Hoover - 0083933  
Assistant State Public Defender  
[Gregory.Hoover@opd.ohio.gov](mailto:Gregory.Hoover@opd.ohio.gov)

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

Counsel For Appellant



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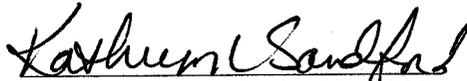
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Now comes Appellant, Caron Montgomery, and moves this Court to stay his execution set for May 22, 2013, pending disposition of his direct appeal by this Court. The reasons for this motion are more fully set forth in the attached memorandum.

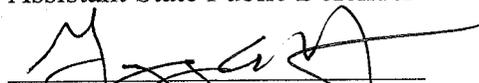
Respectfully submitted,

Office of the Ohio Public Defender



Kathryn L. Sandford – 0066985  
Assistant State Public Defender  
Counsel of Record

Jennifer A. Prillo – 0073744  
Assistant State Public Defender

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Gregory A. Hoover - 0083933  
Assistant State Public Defender

250 East Broad St., Suite 1400  
Columbus, Ohio 43215  
(614) 466-5394; (614) 644-0708 (FAX)

Counsel For Appellant

## MEMORANDUM IN SUPPORT

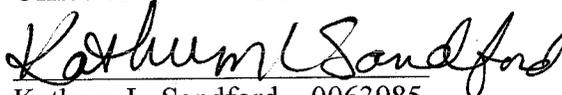
Appellant, Caron Montgomery, pled guilty to Aggravated Murder and was sentenced to death by the trial court. Appellant is currently sentenced to die on May 22, 2013. Appellant has a right to a direct appeal to this Court under Ohio Const. art. IV, § 2 (B)(2)(c). In McDonald v. Missouri, 464 U.S. 1306 (1984), the United States Supreme Court stated that every defendant who has a right to direct review from a sentence of death is entitled to have that review before paying the ultimate penalty. Moreover, pursuant to this Court's holding in State v. Steffen, 70 Ohio St. 3d 399, 412 (1994), Appellant is entitled to a stay of execution until he has "exhausted direct review, one round of postconviction relief, and one motion for delayed reconsideration under State v. Murnahan." See also State v. Glenn, 33 Ohio St. 3d 601 (1987). Accordingly, a stay of execution is warranted to allow Appellant adequate time to exhaust all of his state court remedies.

On July 20, 2012, Appellant filed his Notice of Appeal with this Court. The record was filed on October 11, 2012. Appellant's brief is due in this Court just prior to the scheduled execution date however, the Appellee's brief, Appellant's reply brief and the oral argument will not have been filed or taken place by then. Appellant seeks this Stay of Execution to allow a thorough and considered review of his conviction and sentence.

Therefore, Appellant respectfully requests this Court to stay his execution, pending the final disposition of his appeal.

Respectfully submitted,

Office of the Ohio Public Defender

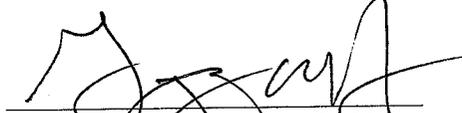


Kathryn L. Sandford – 0063985

Assistant State Public Defender

Counsel of Record

Jennifer A. Prillo – 0073744  
Assistant State Public Defender



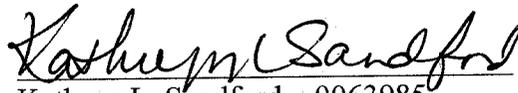
~~Gregory A. Hoover~~ - 0083933  
Assistant State Public Defender

Office of the Ohio Public Defender  
250 East Broad St., 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 the foregoing Motion for Stay of Execution was forwarded by regular U.S. Mail to Ronald O'Brien, Franklin County Prosecutor, 373 South High Street, 14<sup>th</sup> Floor, Columbus, OH 43215 on this 1st day of February, 2013.



Kathryn L. Sandford – 0063985  
Assistant State Public Defender

Counsel For Appellant