

ORIGINAL

IN THE SUPREME COURT OF OHIO

STATE OF OHIO,	:
Appellee,	: Case No. 2012-1212
-vs-	: Appeal taken from Franklin County Court of Common Pleas
CARON E. MONTGOMERY,	: Case No. 10CR-12-7125
Appellant.	: <b>This is a death penalty case</b>

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**MONTGOMERY'S RESPONSE TO MOTION OF  
STATE OF OHIO FOR EXPEDITED CONSIDERATION**

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Franklin County Prosecutor's Office

Office of the Ohio Public Defender

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SUPREME COURT OF OHIO

## ARGUMENT

The State, in its Motion for Expedited Consideration, argues that this Court should perform a hurried review of Montgomery's case and immediately schedule an oral argument. The State's Motion should be denied. It is baseless, unprecedented and a clear attempt to usurp this Court's established way of proceeding with death penalty cases.

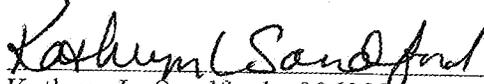
Montgomery's Reply Brief was just filed on October 25, 2013. The State's Motion for Expedited Consideration was filed a mere five days later, on October 30, 2013. Contrary to the State's argument, the State is not inconvenienced or put in jeopardy by this Court reviewing Montgomery's case and scheduling oral argument when it is ready. The only party put in jeopardy by the State's demand would be Montgomery whose constitutional rights would be violated if the argument is scheduled and conducted before this Court has had an opportunity to fully review the record and the briefs.

Death penalty cases take longer to review, as they should, given that the sentence imposed is death. As the United States Supreme Court held in Woodson v. North Carolina, 428 U.S. 280, 305 (1976), "Death, in its finality, differs more from life imprisonment than a 100-year prison term differs from one of only a year or two. Because of that qualitative difference, there is a corresponding difference in the need for reliability in the determination that death is the appropriate punishment in a specific case."

For the foregoing reasons, this Court should deny the State's Motion for Expedited Consideration.

Respectfully submitted,

Office of the Ohio Public Defender



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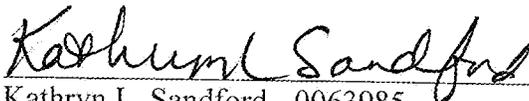
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**Certificate of Service**

I hereby certify that a true copy of the foregoing MONTGOMERY'S RESPONSE TO MOTION OF STATE OF OHIO FOR EXPEDITED CONSIDERATION was forwarded by first-class, postage prepaid U.S. Mail to Steven L. Taylor, Chief Counsel, Appellate Division, Franklin County Prosecutor's Office, 373 South High Street, 13<sup>th</sup> Floor, Columbus, Ohio 43215, on the 8<sup>th</sup> day of November, 2013.



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