

ORIGINAL

IN THE SUPREME COURT OF OHIO

STATE OF OHIO, : Case No. 2010-1105
Appellee/Respondent, :
-vs- :
GREGORY OSIE, :
Appellant/Petitioner. : DEATH PENALTY CASE

APPELLANT OSIE'S MOTION FOR STAY OF EXECUTION
PENDING DISPOSITION OF AVAILABLE STATE REMEDIES

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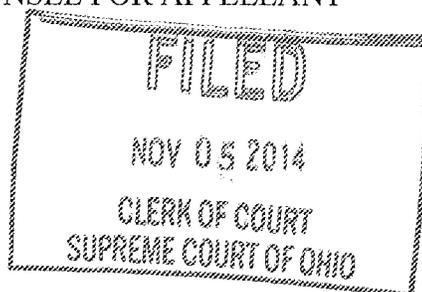
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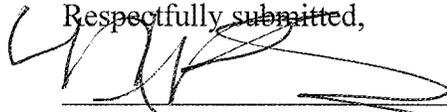
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Now comes Appellant, Gregory Osie, through counsel and moves this Court to grant him a stay of execution pending exhaustion of his available state remedies. The reasons for this motion are more fully addressed in the attached Memorandum in Support.

Respectfully submitted,



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MEMORANDUM IN SUPPORT

On July 10, 2014, this Court denied Appellant Osie's capital direct appeal. Concurrently, this Court set an execution date for June 15, 2016, for Appellant. A motion for reconsideration was denied on October 8, 2014.

Appellant moves this Court to grant him a stay of execution pending the exhaustion of all available State remedies, including all post-conviction appeals. Pursuant to State v. Glenn, 33 Ohio St.3d 601, 514 N.E.2d 869 (1987) and State v. Steffen, 70 Ohio St. 3d 399, 639 N.E.2d 67 (1994), Appellant is entitled to a stay of execution until he has "exhausted...one round of post-conviction relief, and one motion for delayed reconsideration..." Steffen, 70 Ohio St. 3d at 412, 639 N.E.2d at 77. An appeal of the trial court's denial of Osie's post-conviction petition is currently pending in the Twelfth District Court of Appeals, Case No. CA-2014-10-0222. Thus, a stay is needed to ensure that the issues raised in his post-conviction petition are fully resolved. Osie requests that this Court grant a stay of execution for the duration of his post-conviction proceedings which includes filing a Memorandum in Support of Jurisdiction in this Court, should he not prevail at the court of appeals.

Based on the foregoing, Appellant moves this Court to grant him a stay of the June 15, 2016, execution date and for the stay to continue throughout the remainder of the post-conviction proceedings.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing APPELLANT OSIE'S MOTION FOR STAY OF EXECUTION was sent by first-class U.S. mail to Michael A. Oster, Jr., Assistant Prosecuting Attorney and Chief Appellate Division and Nina Alkamhawi, Assistant Prosecuting Attorney, Butler County Prosecutor's Office, 315 High Street, 11th Floor, Hamilton, Ohio 43012-0515, on this 5th day of November, 2014.



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