

IN THE SUPREME COURT OF OHIO

STATE OF OHIO, :
Appellee, : Case No. 2010-1373
v. : Appeal taken from the Summit County
ASHFORD THOMPSON, : Court of Common Pleas
: Case No. CR 2008-07-2390
Appellant. : **This Is A Capital Case.**

**MOTION FOR STAY OF EXECUTION OF DEATH SENTENCE PENDING
DISPOSITION OF AVAILABLE STATE REMEDIES**

Sherri Bevan Walsh – #0030038
Summit County Prosecutor

Office of the Ohio Public Defender

Richard Kasay – #0013952
Assistant Prosecuting Attorney

Kimberly S. Rigby - #0078245
Supervising Attorney, Death Penalty Division

Isa Mauch – #0083500
Assistant State Public Defender,
Death Penalty Division

Summit County Prosecutor's Office
Summit County Safety Building
Appellate Division
53 University Avenue, 6th Floor
Akron, OH 44308
(330) 643-2788
(330) 643-8277 (Fax)

Office of the Ohio Public Defender
250 East Broad St., Suite 1400
Columbus, Ohio 43215
(614) 466-5394
(614) 644-0708 – Fax
Kimberly.Rigby@opd.ohio.gov
Isa.Mauch@opd.ohio.gov

COUNSEL FOR APPELLEE

COUNSEL FOR APPELLANT

IN THE SUPREME COURT OF OHIO

STATE OF OHIO, :
Appellee, : Case No. 2010-1373
v. : Appeal taken from the Summit County
ASHFORD THOMPSON, : Court of Common Pleas
Appellant. : Case No. CR 2008-07-2390
: **This Is A Capital Case.**

**MOTION FOR STAY OF EXECUTION OF DEATH SENTENCE PENDING
DISPOSITION OF AVAILABLE STATE REMEDIES**

Appellant Ashford Thompson respectfully moves this Court for an Order continuing his stay of execution pending exhaustion of his available state remedies. Thompson's Post-Conviction petition is pending in Summit County Common Pleas Court. Thompson has timely filed amendments with the court's permission, and the State now has time to respond. Those proceedings are pending. The reasons for this motion are set forth in the attached Memorandum.

Respectfully submitted,

Office of the Ohio Public Defender

/s/ Kimberly S. Rigby

Kimberly S. Rigby – #0078245

Supervising Attorney, Death Penalty Division

/s/ Isa Mauch

Isa Mauch – #0083500

Assistant Public Defender, Death Penalty Division

Office of the Ohio Public Defender

250 East Broad Street - Suite 1400

Columbus, Ohio 43215

(614) 466-5394

(614) 644-0708 (Fax)

Memorandum In Support

On October 29, 2014, this Court affirmed Ashford Thompson's convictions and death sentence. (Exhibit A). A motion for rehearing and reconsideration was denied on January 28, 2015. (*Id.*). Previously, this Court granted a stay of execution for Thompson pending his direct appeal. Upon the denial of that appeal, this Court set Wednesday, April 5, 2017 as the new execution date for Ashford Thompson. (*Id.*).

Thompson now moves this Court for an order continuing his stay of execution pending the exhaustion of all available State remedies, including all postconviction appeals. Under *State v. Steffen*, 70 Ohio St.3d 399, 639 N.E.2d 67 (1994), Thompson is entitled to a stay of execution until he has "exhausted . . . one round of postconviction relief, and one motion for delayed reconsideration" 70 Ohio St.3d at 412, 639 N.E.2d at 77. *See also State v. Glenn*, 33 Ohio St. 601, 514 N.E.2d 869 (1987).

On December 8, 2014, the Summit County Common Pleas Court granted Thompson until February 1, 2015 to file an amended post-conviction petition, pursuant to the State's request for a scheduling order. Thompson timely filed this amendment. The State has until May 5, 2015 to respond. Those proceedings are 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, Ashford Thompson 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 *State v. Steffen*, 70 Ohio St.3d 399, 639 N.E.2d 67.

Respectfully submitted,

Office of the
Ohio Public Defender

/s/ Kimberly S. Rigby
Kimberly S. Rigby – #0078245
Supervising Attorney, Death Penalty Division

/s/ Isa Mauch
Isa Mauch – #0083500
Assistant Public Defender, Death Penalty Division

Office of the Ohio Public Defender
250 East Broad Street - 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 first-class, postage prepaid U.S. Mail to Richard Kasay, Assistant Prosecuting Attorney, Summit County Prosecutor's Office, 53 University Ave., Akron, Ohio 44308, on this 4th day of February, 2015.

/s/ Isa Mauch
Isa Mauch – #0083500
Assistant State Public Defender
COUNSEL FOR APPELLANT