

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**

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

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STATE OF OHIO, :
Appellee, : Case No. 2010-1373
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: 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**

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 5th day of February, 2015.

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

The Supreme Court of Ohio

FILED

JAN 28 2015

CLERK OF COURT
SUPREME COURT OF OHIO

State of Ohio

Case No. 2010-1373

v.

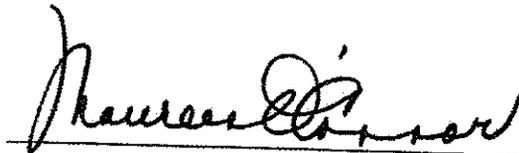
RECONSIDERATION ENTRY

Ashford L. Thompson

Summit County

It is ordered by the court that the motion for reconsideration in this case is denied.

(Summit County Court of Common Pleas; No. CR2008072390)



Maureen O'Connor
Chief Justice

The Official Case Announcement can be found at <http://www.supremecourt.ohio.gov/ROD/docs/>.

EXHIBIT

A

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The Supreme Court of Ohio

FILED

OCT 29 2014

CLERK OF COURT
SUPREME COURT OF OHIO

State of Ohio

v.

Ashford L. Thompson

Case No. 2010-1373

JUDGMENT ENTRY

APPEAL FROM THE
COURT OF COMMON PLEAS

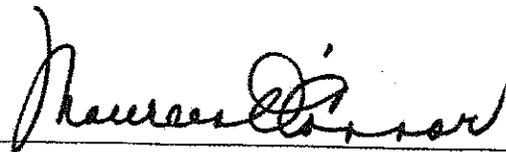
This cause, here on appeal from the Court of Common Pleas for Summit County, was considered in the manner prescribed by law. On consideration thereof, the judgment of the Court of Common Pleas is affirmed, and the sentence as to Count 4, fifth-degree felony escape, is clarified to be 12 months, rather than five years, consistent with the opinion rendered herein.

Furthermore, it appearing to the court that the date fixed for the execution of judgment and sentence of the Court of Common Pleas has passed, it is ordered by the court that the sentence be carried into execution by the Warden of the Southern Ohio Correctional Facility or, in his absence, by the Deputy Warden on Wednesday, the 5th day of April, 2017, in accordance with the statutes so provided.

It is further ordered that a certified copy of this entry and a warrant under the seal of this court be certified to the Warden of the Southern Ohio Correctional Facility, and that the Warden shall make due return to the Clerk of the Court of Common Pleas for Summit County.

It is further ordered by the Court that a mandate be sent to the Court of Common Pleas for Summit County to carry this judgment into execution, and that a copy of this entry be certified to the Clerk of the Court of Common Pleas for Summit County for entry.

(Summit County Court of Common Pleas; No. CR2008072390)



Maureen O'Connor
Chief Justice

DEATH WARRANT

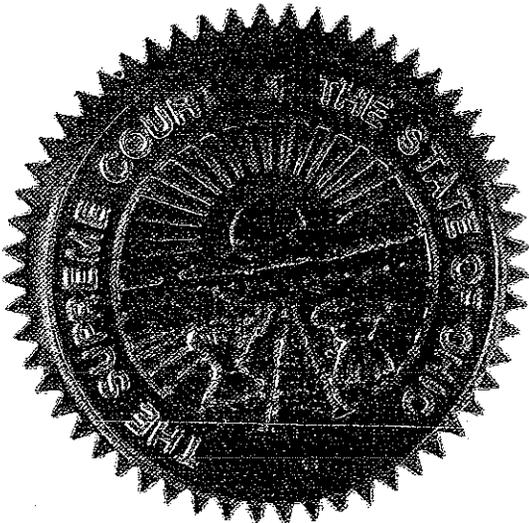
THE STATE OF OHIO

IN THE SUPREME COURT

CITY OF COLUMBUS

TO THE WARDEN OF THE SOUTHERN OHIO CORRECTIONAL FACILITY:

The Supreme Court of Ohio, having affirmed the judgment and sentence of the Court of Common Pleas for Summit County, in the case of The State of Ohio vs. Ashford L. Thompson, and Ashford L. Thompson, having been indicted and convicted of the crime of aggravated murder with specification(s) in the Court of Common Pleas, you are hereby commanded to proceed on Wednesday, the 5th day of April, 2017 (the day fixed by the Supreme Court of Ohio), to carry into execution the sentence of death pronounced on Ashford L. Thompson by the Court of Common Pleas for Summit County, in the manner directed by the statute in such case made and provided, and make due return thereof to the Clerk of the Court of Common Pleas of Summit County.



Given under my hand and the Seal of the
Supreme Court, at Columbus, this 29th
day of October, 2014.

Sandra H. Grosho
Clerk of the Supreme Court