

**IN THE SUPREME COURT OF OHIO**

**STATE OF OHIO,**

\*

S. C. No. 05-1316

Plaintiff-Appellee,

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\*

**Death Penalty Case**

-VS-

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\*

**JAMES P. FRAZIER,**

\*

Defendant-Appellant

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**MOTION TO SET EXECUTION DATE**

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MOTION TO SET EXECUTION DATE

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The State of Ohio respectfully requests that this court set an execution date for Defendant, James P. Frazier. The reasons in support of this motion are stated in the attached memorandum.

Respectfully submitted,

JULIA R. BATES (0013426)  
Lucas County Prosecuting Attorney



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## MEMORANDUM IN SUPPORT

### INTRODUCTION

On May 20, 2005, a jury in the Lucas County Court of Common Pleas convicted defendant-appellant James P. Frazier, ("defendant") of the March, 2004 murder of Mary Stevenson and he was sentenced to death. Since his conviction and sentence, defendant and his attorneys have pursued all available avenues of appeal afforded under both Ohio and federal law. Every court that has examined defendant's claims has upheld his murder conviction and his death sentence. Defendant has now completed all state and federal litigation. The State of Ohio hereby requests that this court set an execution date for defendant.

### STATE COURT PROCEEDINGS

After his conviction and sentencing in the trial court, defendant appealed to this court as of right in *State v. Frazier*, 115 Ohio St.3d 139, 2007-Ohio-5048, 873 N.E.2d 1263, and his conviction and sentence was affirmed on October 10, 2007. The U. S. Supreme Court denied certiorari. *Frazier v. Ohio* (2008), 553 U.S. 1015, 128 S.Ct. 2077, 170 L.Ed.2d 811 on April 21, 2008.

On May 15, 2006, defendant filed a petition for post conviction relief which was denied by the trial court on October 24, 2007. Denial of defendant's post conviction relief claims was affirmed by the court of appeals in *State v. Frazier*, 6<sup>th</sup> Dist. No. L-07-1388, 2008-Ohio-5027, and this court declined jurisdiction in *State v. Frazier*, 121 Ohio St.3d 1425, 2009-Ohio-1296, 903 N.E.2d 325 on March 25, 2009.

On April 14, 2010, defendant filed an application to reopen his merit appeal

under S.Ct.Prac.R.11.6, which application this court denied on August 25, 2010. *State v. Frazier*, 126 Ohio St.3d 1541, 2010-Ohio-3855, 932 N.E.2d 336.

### FEDERAL COURT PROCEEDINGS

On May 27, 2009, defendant filed a petition for habeas corpus in the U. S. District Court for the Northern District of Ohio which denied relief on October 25, 2011. *Frazier v. Bobby*, 2011 U. S. Dist. Lexis 123435. The Sixth Circuit Court of Appeals affirmed on October 27, 2014, in *Frazier v. Jenkins*, 770 F.3d 485 (6<sup>th</sup> Cir. 2014) after which rehearing, en banc was denied on December 18, 2014. The U. S. Supreme Court denied certiorari on June 22, 2015 . *Frazier v. Jenkins* (2015), \_\_\_\_\_U.S.\_\_\_\_\_, \_\_\_\_\_ S.Ct.\_\_\_\_\_, \_\_\_\_\_L.Ed.2d\_\_\_\_\_, 2015 U. S. Lexis 4191.

### CONCLUSION

Now that defendant has fully exhausted all available legal challenges to his conviction and death sentence, the State of Ohio respectfully requests that this court set a date for defendant's execution.

Respectfully submitted,

JULIA R. BATES (0013426)  
Lucas County Prosecuting Attorney



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**CERTIFICATE OF SERVICE**

This is to certify that a copy of the foregoing Motion to Set an Execution Date was sent via ordinary U.S. Mail this 1<sup>ST</sup> day of July, 2015, to David L. Doughton, 4403 St. Clair Avenue, Cleveland, Ohio 44103-1125, and to John B. Gibbons, 55 Public Square, #2100, Cleveland, Ohio 44113, Counsel for Defendant-Appellant.

Respectfully submitted,

By:   
David F. Cooper (0006176)  
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