

IN THE SUPREME COURT OF OHIO

STATE OF OHIO, :
Appellee, : Case No. 2015-1309
-vs- : *Death Penalty Case*
SHAWN E. FORD, :
Appellant :

**ON APPEAL FROM THE SUMMIT COUNTY
COURT OF COMMON PLEAS
SUMMIT COUNTY, OHIO, CASE NO. CR 2013 04 1008**

**SHAWN E. FORD'S MOTION FOR STAY OF EXECUTION
*Execution Date-December 29, 2015***

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Now comes Appellant, Shawn E. Ford and moves this Court to stay his **execution set for December 29, 2015**, pending disposition of his direct appeal by this Court. The reasons for this motion are more fully set forth in the attached memorandum.

Respectfully submitted,

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/s/Kathleen McGarry
Counsel for Appellant, Shawn E. Ford

MEMORANDUM IN SUPPORT

Shawn Ford was found guilty of Aggravated Murder and sentenced to death in the trial court. Ford is currently sentenced to die on December 29, 2015. Ford has a right to a direct appeal to the Ohio Supreme Court under Ohio Const. art. IV, § 2 (B)(2)(c). In *McDonald v. Missouri*, 464 U.S. 1306 (1984), the United States Supreme Court stated that every defendant who has a right of direct review from a sentence of death is entitled to have that review before paying the ultimate penalty. Accordingly, a stay is warranted to allow Ford adequate time to seek direct review of his convictions and sentences. See *State v. Steffen*, 70 Ohio St. 3d 399, syl. (1994) (capital defendant entitled to, stay of execution to seek both direct review and state postconviction remedies).

On August 10 2015, Ford filed his notice of appeal and praecipe in this Court. The record is being prepared and has not yet been filed in the Court. It is currently due on November 9, 2015 but the court reporter has

informed counsel that the transcript is in excess of 8000 pages and may not be completed by that date. Obviously, Ford's direct appeal will not be completed before December 29, 2015. Ford seeks this Stay of Execution to allow a thorough and considered review of his conviction and sentence.

Therefore, Ford respectfully requests this Court to stay his execution, pending the final disposition of his appeal

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that this document was filed electronically on September 23, 2015 and that Richard S. Kasay, Assistant Prosecuting

Attorney, was served electronically, with prior permission, through e-mail at
kasay@prosecutor.summitoh.net.

/s/ Kathleen McGarry

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