

IN THE SUPREME COURT OF OHIO

STATE OF OHIO, :

Appellee, : **Case No. 2011-0093**

-vs- : **Appeal taken from Butler County**
: **Court of Common Pleas**

DONALD J. KETTERER, : **Case No. CR 2003-03-0309**

Appellant. : **This is a death penalty case.**

**Appellant Donald J. Ketterer's Motion
To Stay His Execution Scheduled for May 17, 2017**

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To Stay His Execution Scheduled For May 17, 2017**

Appellant Donald Ketterer moves this Court stay his execution currently scheduled for May 17, 2017. He has attached a memorandum in support of this motion.

Respectfully submitted,

Office of the
Ohio Public Defender

/s/ Randall L. Porter
Randall L. Porter – 0005835
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Counsel for Donald Ketterer

Memorandum in Support

This Court set an execution date for Donald Ketterer for May 17, 2017. Ketterer continues to pursue his initial post-conviction review. His case is currently pending in the court of appeals. *State v. Ketterer*, 12th Dist. No. 2016 08 0166. If that court should affirm the decision of the trial court, he will still have an appeal to this court.

This Court has recognized that an individual sentenced to death has a right to a stay of execution to pursue his entire initial round of post-conviction review. *State v. Glenn*, 33 Ohio St.3d 601, 514 N.E.2d 869 (1987). Accordingly, a stay of execution is warranted to permit Ketterer to exhaust all of his state post-conviction court remedies.

Wherefore, Appellant Donald Ketterer respectfully moves this Court to: grant this motion, stay his May 17, 2017 execution date, and continue the stay of execution until he has exhausted his state post-conviction remedies.

Respectfully submitted,

Office of the
Ohio Public Defender

/s/ Randall L. Porter

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Counsel for Donald Ketterer

CERTIFICATE OF SERVICE

I certify a copy of the foregoing *Appellant Donald J. Ketterer's Motion To Stay His Execution Scheduled for May 17, 2017*, has been sent by both electronic and regular U.S. mail to Assistant County Prosecuting Attorney Lina Alkamdawi, Office of the Butler County Prosecuting Attorney, P.O. Box 515, Hamilton, Ohio 45012 on this the 1st day of September, 2016.

/s/ Randall L. Porter
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Assistant State Public Defender

Counsel for Donald Ketterer