

**IN THE SUPREME COURT OF OHIO**

STATE OF OHIO,	:	
	:	Supreme Court Case No. 2019-0926
APPELLEE,	:	
	:	On Appeal from the Cuyahoga
vs.	:	County Court of Common Pleas
	:	Case No. 17-CR-623243-A
	:	
JOSEPH MCALPIN,	:	
	:	<b>THIS IS A CAPITAL CASE</b>
APPELLANT.	:	

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**MOTION FOR STAY OF EXECUTION**

**Execution Date: May 19, 2026**

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Appellant Joseph McAlpin, by and through undersigned post-conviction counsel, now moves this Court for an Order staying his execution pending the exhaustion of all available state remedies, including all state post-conviction proceedings and any appeals. The reasons for this Motion are set forth in the attached Memorandum.

Respectfully submitted,

OFFICE OF THE OHIO PUBLIC DEFENDER

/s/ Melissa Jackson

Melissa Jackson – 0077833

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**MEMORANDUM IN SUPPORT**

On November 20, 2017, Joseph McAlpin was indicted on 30 counts in Cuyahoga County, including aggravated murder. McAlpin elected to represent himself and his trial commenced on March 26, 2019. On April 18, 2019, the jury found McAlpin guilty on all the charges before it. The Cuyahoga County Court of Common Pleas sentenced McAlpin to death on May 16, 2019. This Court affirmed his convictions and sentence on direct appeal and set an execution date of May 19, 2026.

McAlpin now moves this Court for an Order staying his execution pending the exhaustion of all available state remedies, including all state post-conviction proceedings and any appeals. McAlpin is entitled to a stay of execution until he has exhausted “one round of postconviction relief, and one motion for delayed reconsideration.” *State v. Steffen*, 70 Ohio St.3d 399, 412, 639 N.E.2d 67 (1994), *see also State v. Glenn*, 33 Ohio St.3d 601, 514 N.E.2d 869 (1987). McAlpin’s initial post-conviction petition was filed with the trial court on November 4, 2020, and his first amended post-conviction petition was filed on August 2, 2021. There are also still pending discovery issues before the Cuyahoga Court of Common Pleas in his post-conviction proceedings. McAlpin also has an ongoing appeal from the denial of his new trial motion (8th Dist. Case No. CA-21-110811). Thus, a stay is needed to ensure that the issues to be raised in McAlpin’s post-conviction petition and new trial motion appeal can be properly heard and fully resolved. This

Court has granted similar motions. *See, e.g., State v. Mammane*, 139 Ohio St.3d 467, 2014-Ohio-1942, 13 N.E.3d 1051; *State v. Raglin*, 85 Ohio St.3d 1429, 707 N.E.2d 945 (1999).

Wherefore, McAlpin respectfully moves this Court for an Order staying his execution pending the exhaustion of all available state remedies, including all state post-conviction proceedings and any appeals in accordance with *State v. Steffen*.

Respectfully submitted,

OFFICE OF THE OHIO PUBLIC DEFENDER

/s/ Melissa Jackson

Melissa Jackson – 0077833

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**POST-CONVICTION COUNSEL FOR  
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**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the foregoing **MOTION FOR STAY OF EXECUTION** was electronically mailed to Cuyahoga County Assistant Prosecuting Attorney Callista Plemel at *cplemel@prosecutor.cuyahogacounty.us* and Assistant Prosecuting Attorney Tasha Forchione at *tforchione@prosecutor.cuyahogacounty.us*, on this 1st day of March 2023.

*/s/ Melissa Jackson*

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**POST-CONVICTION COUNSEL FOR  
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