Supreme Court of Ohio Clerk of Court - Filed February 27, 2024 - Case No. 2016-1006

IN THE SUPREME COURT OF OHIO

State of Ohio, ***Plaintiff-Appellee,***	
	Case No. 2016-1006
v.	
	[CAPITAL CASE]
Michael Madison, ***Defendant-Appellant.***	**[Execution Date: May 15, 2024]**

On Appeal from the Cuyahoga County Court of Common Pleas
Case No. 13-579539-A

Appellant Michael Madison's Motion for Stay of Execution

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State of Ohio, ***Plaintiff-Appellee,***	
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Appellant Michael Madison's Motion for Stay of Execution

On October 28, 2013, Defendant-Appellant Michael Madison was indicted with six counts of aggravated murder, each accompanied by two death-penalty specifications. On May 5, 2016, a jury found Madison guilty on all aggravated murder counts and specifications. (T.p. 6458-6474.)

The mitigation phase occurred over five days, May 12 and May 16 to 19, 2016. (T.p. 6520-7586.) On May 20, 2016, the jury returned a verdict and recommendation of death on all six counts of aggravated murder. (T.p. 7740-7743.)

On June 2, 2016, the trial court conducted a sentencing hearing and imposed death sentences for the merged Counts One, Four, and Seven. (R. 415.) This Court affirmed Madison's convictions and sentence on direct appeal on July 21, 2020, and set an execution date of May 15, 2024. Madison's Application for Reopening was denied on March 2, 2021.

Madison 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. Madison is entitled to a stay of execution until he has exhausted "one round of postconviction relief, and one motion for delayed reconsideration." *See 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).

Madison's initial post-conviction petition was filed with the trial court on July 9, 2018, and an amended petition was filed on December 20, 2023. Thus, a stay is needed to ensure that the issues to be raised in Madison's post-conviction and amendment can be properly heard and fully resolved. This Court has granted similar motions. *See, e.g.*, *State v. Garrett*, 169 Ohio St.3d 1478, 2023-Ohio-1014, *State v. Drain*, 168 Ohio St.3d 1520, 2023-Ohio-10; *State v. Brinkman*, 168 Ohio St.3d 1415, 2022-Ohio-3719.

Wherefore, Madison 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,

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Certificate of Service

I hereby certify that an exact copy of the foregoing MOTION FOR STAY OF EXECUTION was sent via e-mail on this 27th day of February 2024, to the Cuyahoga County Prosecutor's Office, Assistant Prosecuting Attorney Gregory J. Ochocki, at *gochocki@prosecutor.cuyahogacounty.us*.

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