

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

No. 11-4020

MAURICE A. MASON,
Petitioner - Appellant,

v.

BETTY MITCHELL, Warden,
Respondent - Appellee.

Before: BOGGS, MOORE, and CLAY, Circuit Judges.

JUDGMENT

On Appeal from the United States District Court
for the Northern District of Ohio at Cleveland.

THIS CAUSE was heard on the record from the district court and was argued by counsel.

IN CONSIDERATION WHEREOF, it is ORDERED that the judgment of the district court is MODIFIED. The State may seek the death penalty at the penalty-phase retrial only if the penalty-phase retrial commences within 180 days from the date the mandates issues from this court in this matter. The case is REMANDED to the district court.

ENTERED BY ORDER OF THE COURT



Deborah S. Hunt, Clerk

FILED
Sep 04, 2013
DEBORAH S. HUNT, Clerk