

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

DONOVAN E. SIMPSON,

Petitioner,

v.

WANZA JACKSON, WARDEN,

Respondent.

CASE NO. 2:06-CV-00127
JUDGE SARGUS
MAGISTRATE JUDGE ABEL

OPINION AND ORDER

Pursuant to the remand of the United States Court of Appeals for the Sixth Circuit, the instant petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 conditionally is **GRANTED** in part and **DENIED** in part. Petitioner's convictions on aggravated murder, murder, and attempted murder hereby are **VACATED** subject to the State of Ohio commencing a re-trial on these charges within 90 days. Petitioner must serve the remainder of the sentence(s) imposed on his convictions for aggravated arson and felonious assault.

IT IS SO ORDERED.

 3-16-2011
EDMUND A. SARGUS, JR.
United States District Judge