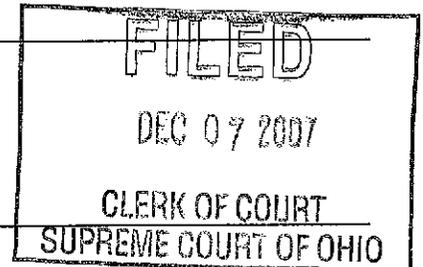


In The Supreme Court Of Ohio

State Of Ohio, :
Appellee, : Case No. 05-1678
-vs- :
Delano Hale, : **This is a Capital Case**
Appellant. :

On Appeal From The Court Of
Common Pleas Of Cuyahoga County
Case No. CR-04-454857



Delano Hale's Notice of Withdrawal of Claim

William D. Mason
Cuyahoga County Prosecutor

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Assistant Prosecuting Attorney

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Assistant Prosecuting Attorney

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Delano Hale's Notice of Withdrawal of Claim

Appellant Delano Hale gives notice to this Court that he is withdrawing that portion of his First Proposition of Law related to the assertion that defense counsel did not possess Detective Baird's report (State's Proffer # 1), and he is withdrawing all other references from his briefs to this assertion. Upon further review of the record, it appears defense counsel acquired Baird's report during or after the motion to suppress hearing. (T.p. 1905-06)

Respectfully submitted,

David H. Bodiker
Ohio Public Defender



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Counsel For Appellant

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing **Delano Hale's Notice of Withdrawal of Claim** has been served upon Jon W. Oebker, Blaise D. Thomas, and Jennifer A. Driscoll, Assistant Prosecuting Attorneys, Cuyahoga County Prosecutor's Office, Justice Center, 9th Floor, 1200 Ontario Street, Cleveland, Ohio 44113 and via facsimile to (216) 443-7601 on this 7th day of December, 2007.



Kelly L. Culshaw #0066394
Supervisor, Death Penalty Division

Counsel for Appellant