

In The Supreme Court Of Ohio

State Of Ohio, :  
Appellee, :  
-Vs- : Case No.: 05-1678  
Delano Hale, :  
Appellant. : **This Is A Capital Case.**

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Motion For Stay Of Execution Pending Disposition of Available Remedies

Execution scheduled November 6, 2008

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William D. Mason  
Cuyahoga County Prosecutor

Office of the  
Ohio Public Defender

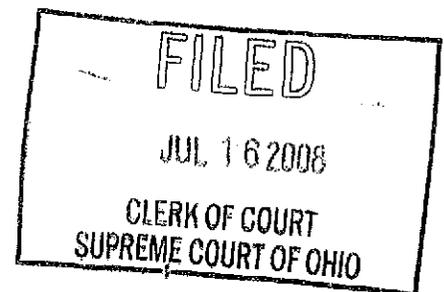
T. Kenneth Lee – 0065158  
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Rachel Troutman – 0076741  
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Counsel of Record

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Justice Center  
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Counsel For Appellant

Counsel For Appellee



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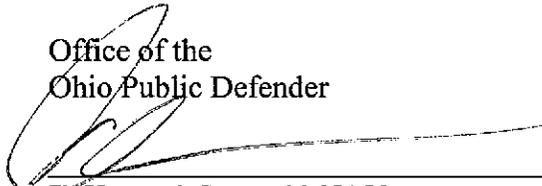
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Delano Hale moves this Court to stay his **execution set for November 6, 2008**, pending disposition of his available remedies. The reasons for this motion are more fully set forth in the attached memorandum.

Respectfully submitted,

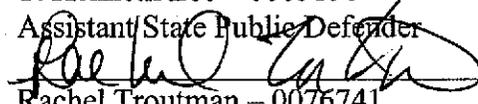
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Memorandum In Support Of Motion To Stay Execution  
Pending Disposition Of Appeal

Delano Hale now moves this Court for an order continuing his stay of execution pending the exhaustion of available postconviction remedies, including all appeals. Under State v. Steffen, 70 Ohio St. 3d 399, 639 N.E.2d 67 (1994), Hale is entitled to a stay of execution until he has “exhausted ... one round of postconviction relief, and one motion for delayed reconsideration ... in the court of appeals ....” 70 Ohio St.3d at 412, 639 N.E.2d at 77. See also State v. Glenn, 33 Ohio St. 3d 601, 514 N.E.2d 869 (1987).

On March 6, 2007, Hale filed his Petition to Vacate or Set Aside Sentence Pursuant to Ohio Revised Code Section 2953.21 (Exhibit B). The petition and related motions are pending in the trial court. Thus, a stay is needed to ensure that the issues raised in his postconviction petition are fully resolved. This Court has granted similar motions. See, e.g., State v. Raglin, 85 Ohio St. 3d 1429, 707 N.E.2d 945 (1999).

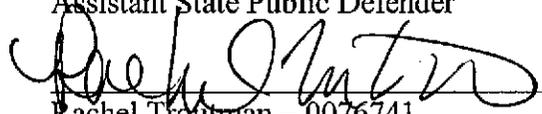
WHEREFORE, Delano Hale respectfully requests that this Honorable Court grant a stay of execution pending the exhaustion of available state remedies, and more specifically, his postconviction proceedings, in accordance with State v. Steffen, 70 Ohio St. 3d 399, 639 N.E.2d 67.

Respectfully submitted,

Office of the  
Ohio Public Defender

By: 

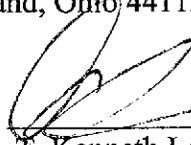
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Counsel For Appellant

**Certificate Of Service**

I hereby certify that a true copy of the foregoing **Motion For Stay Of Execution** was forwarded by regular U.S. mail to William D. Mason, Cuyahoga County Prosecutor, Justice Center, 9th floor, 1200 Ontario Street, Cleveland, Ohio 44113, on the 16<sup>th</sup> day of July, 2008.



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T. Kenneth Lee  
Counsel for Appellant