

No. \_\_\_\_\_ (CAPITAL CASE)

IN THE SUPREME COURT OF THE UNITED STATES

October Term 2024

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DELANO HALE,

Petitioner,

v.

WARDEN BILL COOL,

Respondent.

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UNOPPOSED APPLICATION TO EXTEND THE TIME TO FILE  
A PETITION FOR WRIT OF CERTIORARI  
TO THE UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT

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Federal Public Defender

by:

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**(Supreme Court Bar No. 299952)**

*\*Counsel of Record*

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Counsel for Petitioner Delano Hale

To the Honorable Brett Kavanaugh, Circuit Justice for the United States Court of Appeals for the Sixth Circuit:

1. For the reasons set forth below, Petitioner Delano Hale respectfully requests, under Supreme Court Rules 13.5, 22, and 30.3, a sixty-day extension of time to file his petition for a writ of certiorari regarding the denial of his petition for habeas corpus relief by the United States Court of Appeals for the Sixth Circuit.

2. An Ohio jury convicted Mr. Hale of aggravated murder and recommended a sentence of death. The trial court adopted that recommendation, and the state courts affirmed Mr. Hale's conviction and death sentence on direct appeal. The Ohio courts also denied Mr. Hale's request for post-conviction relief.

3. Mr. Hale filed an application for a writ of habeas corpus in the U.S. District Court for the Northern District of Ohio (Case No. 1:18-cv-00504), where he was represented by undersigned appointed counsel. The district court denied his habeas petition. It did not issue a certificate of appealability (COA) on any of Mr. Hale's capital claims but did issue a COA on two related constitutional questions pertaining to his non-capital sentences.

4. Upon application, the Court of Appeals for the Sixth Circuit expanded the COA, granting additional review of one capital claim concerning whether Mr. Hale received ineffective assistance of counsel at trial when his attorneys failed to consult with a forensic expert. Ultimately, the court affirmed the district court's decision, denying both his capital and non-capital constitutional claims. The Sixth Circuit's November 27, 2024, opinion and order is attached.

5. The court then denied Mr. Hale's petition for rehearing and rehearing *en banc* in an order issued on January 30, 2025. The Sixth Circuit's order denying the petition for rehearing and rehearing *en banc* is also attached.

6. Mr. Hale seeks for this Court to review the Sixth Circuit's November 27, 2024, opinion and order denying him habeas relief. Jurisdiction in this Court is appropriate under 28 U.S.C. § 1254(1).

7. Under this Court's Rules, Mr. Hale's deadline to file a petition for writ of certiorari following the Sixth Circuit's denial of his appeal is April 30, 2025.

8. Mr. Hale now seeks an extension of that deadline for an additional sixty (60) days. Good cause exists to justify Mr. Hale's requested extension. His counsel require additional time to draft a petition for a writ of certiorari due to their obligations to other capital clients in various stages of litigation and investigation in both state and federal court. Additionally, Attorney Lagos contracted Covid-19 while traveling abroad and was subsequently away from the office for a significant portion of last month. She will also be traveling later this month to visit a habeas client who is incarcerated in another state. Attorney Berman was briefing another petition for a writ of certiorari, in addition to his regular case load, and had been preparing for paternity leave, which began earlier this week.

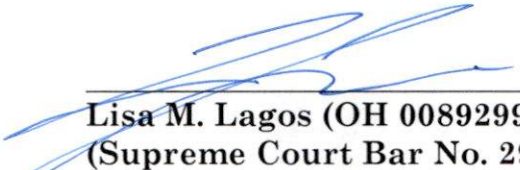
9. Petitioner Hale's counsel thus respectfully request an extension of time to adequately prepare his petition for a writ of certiorari.

10. Counsel for Respondent Warden Bill Cool, Assistant Attorney General Brenda S. Leikala of the Office of the Ohio Attorney General, has stated that her office does not oppose this 60-day extension.

Therefore, Petitioner Hale respectfully requests that an order be entered extending his time to file a petition for a writ of certiorari for sixty days, from April 30, 2025, to June 30, 2025.<sup>1</sup>

Respectfully submitted this 16th day of April, 2025,

**Joseph Medici**  
Federal Public Defender,  
by:



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<sup>1</sup> Sixty days from April 30, 2025, is Sunday, June 29, 2025. Accordingly, the next day on which the Court building is open is Monday, June 30, 2025. Sup. Ct. R. 30.1.