



IN THE COURT OF COMMON PLEAS OF DELAWARE COUNTY, OHIO

THE STATE OF OHIO, :
 :
 Plaintiff, :
 :
 vs. : Case No. 16 CR I 07 0349
 :
 WESLEY P. HADSELL, :
 :
 Defendant. :

CLERK OF COURTS
DELAWARE COUNTY, OHIO
COMMON PLEAS COURT
FILED

2018 JAN 17 PM 12:34

NOTICE OF INTENT TO USE EVIDENCE

Now comes the State of Ohio, by and through Assistant Delaware County Prosecutor Douglas Dumolt, respectfully providing the following notice to the defendant of evidence that the State may introduce some of the specified evidence in its case in chief should the defendant advance certain arguments in opening statements or otherwise open the door during examination of the State's witnesses.

Defendant's Prior Record

In the event any statement of the defendant is introduced through the State's witnesses by the defense (i.e that he claimed the sexual conduct was consensual), or in the event the defendant testifies, the State will impeach his statement(s) by introducing evidence of his following convictions (in addition to his current federal conviction for which he is serving a sentence) pursuant to Evid. R. 806(A) and/or Evid. R. 609.

1996, Virginia	Burglary with intent to commit larceny
1999 North Carolina	Felonious restraint
1999 North Carolina	Felony B&E
1999 North Carolina	Burglary

1999	North Carolina	Forgery x4
2006	S. Dist. Ohio	Robbery

Motive for Separation of Victim and Defendant

In his pretrial filings, the defendant suggested he intends to introduce evidence that the victim reported her rape on August 21, 2005 in to “better position herself for a divorce that would free her to pursue a relationship with her extra-marital lover.” He further alleges that the victim “feared Mr. Hadsell would divorce her and take away her financial support if he learned of the affair.” Should the defendant attempt to elicit testimony, or argue, the victim was motivated by such concerns, the State would offer the following evidence to rebut that argument.

Testimony from the victim that they were separated and she was filing for divorce because the defendant tested positive for cocaine with his probation officer, stole checks from the victim and forged her name on the checks, was incarcerated for probation violations, and could not hold a steady job. Additionally, the State would introduce statements of the *defendant* that he and the victim were separated at the time because of his cocaine usage, periodic incarceration, and his theft of checks/forgery of his signature. Such testimony would be offered to rebut the argument that the rape allegation was fabricated to facilitate a favorable position in future divorce proceedings.

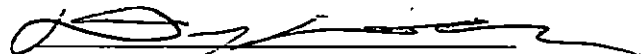
Defendant’s Misconduct on and After August 26, 2005

Should the defendant attempt to elicit testimony about allegedly consensual “vacation like” activity between the victim and defendant on or after

August 26, 2005 the State may offer evidence to rebut the allegation. Should it become necessary, the State would anticipate offering testimony that the defendant isolated the victim from her family and then threatened to harm both her and her family if she left him. The State would anticipate presenting evidence that the defendant fled Ohio when he learned he was indicted for the rape. During the two week period after the rape, the State would anticipate presenting evidence that the victim was repeatedly raped by the defendant.

According to the defendant, while "on the run" he and the victim slept in their car when they did not have sufficient money from pawning their personal items to stay in hotels. To eat, they would often "eat and skip" at restaurants. Ultimately, this lack of money led the defendant to commit a bank robbery to finance his continued flight. A short while later, the defendant was apprehended in Illinois after being pursued by the Illinois State police and crashing his car. These facts are inconsistent with a vacation like atmosphere described in the defendant's pretrial motions.


RESPECTFULLY SUBMITTED,
CAROL HAMILTON O'BRIEN,
PROSECUTING ATTORNEY



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CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing memorandum delivered to Brian Jones, attorney for the defendant, on this, the 17th day of January, 2018 via courthouse mail.


Douglas N. Dumolt (0080866)