

DISTRICT OF COLUMBIA COURT OF APPEALS

Delonta Robert St. John v. United States

No. 18-CO-1166 · No. 18-CO-1166 · Decided May 14, 2020

SUMMARY

The District of Columbia Court of Appeals affirmed the denial without a hearing of Delonta Robert St. John’s motions under D.C. Code § 23-110. The court held that his ineffective-assistance and Brady/Giglio claims were procedurally barred and that he could not establish cause or prejudice. It also concluded that alleged medical negligence was not an intervening cause of the victim’s death and that the government had disclosed the pending wrongful-death action before trial.

CASE DETAILS

COURT	District of Columbia Court of Appeals
WRITING FOR THE COURT	Nebeker, Senior Judge; Blackburne-Rigsby, Chief Judge; Thompson, Associate Judge
JURISDICTION	District of Columbia
DECIDED	May 14, 2020
DOCKET	18-CO-1166
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from the Superior Court of the District of Columbia's denial, without a hearing, of appellant's pro se motions for post-conviction relief under D.C. Code § 23-110.
STANDARD OF REVIEW	The denial of a D.C. Code § 23-110 motion without a hearing is reviewed for abuse of discretion.
PRECEDENTIAL VALUE	Published opinion; precedential status is identified in the supplied metadata.
PARTIES	Delonta Robert St. John v. United States

TOPICS

- post-conviction relief
- ineffective assistance
- prosecutorial misconduct
- criminal procedure
- appellate procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the trial court properly applied a procedural bar to St. John's ineffective-assistance-of-counsel claim under D.C. Code § 23-110.
2. Whether St. John established cause and actual prejudice sufficient to overcome the procedural bar for his ineffective-assistance claim.
3. Whether the alleged negligence of Dr. Daee could have constituted an intervening cause exculpating St. John from responsibility for Lucas's death.
4. Whether the government violated Brady and Giglio by suppressing evidence concerning Dr. Daee's alleged negligence and the wrongful-death litigation.
5. Whether the trial court abused its discretion by denying the § 23-110 motions without an evidentiary hearing.

HOLDINGS

1. A claim under D.C. Code § 23-110 is procedurally barred when the defendant failed to raise it on direct appeal and demonstrably knew or should have known of the grounds for the claim, absent a showing of cause and actual prejudice.
2. St. John failed to establish actual prejudice from trial counsel's failure to investigate or present evidence concerning Dr. Daee's alleged negligence, and therefore could not overcome the procedural bar.
3. The court did not reach the merits of St. John's ineffective-assistance claim against appellate counsel because such a claim must be litigated independently through a procedure requiring recall of the direct-appeal mandate.
4. The trial court properly procedurally barred St. John's Brady and Giglio claims because he could not show cause and prejudice, and the record showed that the government disclosed the pending wrongful-death suit before trial and could not have suppressed Dr. Wingate's later testimony.
5. The trial court did not abuse its discretion by denying the motions without a hearing because the motions, files, and records conclusively showed that St. John was entitled to no relief.

KEY QUOTATIONS

“We consider each § 23-110 assertion in turn and hold that the trial court did not abuse its discretion in either instance because the “motion[s] and files and records of the case conclusively show that the [appellant] is entitled to no relief.”” (at 5)

“When an alleged unconstitutional error by counsel is failure to investigate and discover favorable evidence to defense, our analysis of the prejudice part of Strickland is twofold” (at 7)

“Violation of due process under Brady occurs (i) “when the prosecution fails to disclose, before or during trial, evidence favorable to the defense,” and (ii) “there is a reasonable probability that, had the evidence been disclosed to the defense, the result of the proceeding would have been different,”” (at 12)

FACTUAL BACKGROUND

St. John shot John Lucas three times during an argument arising from a dice game. Lucas later died from complications associated with the gunshot wound, including damage to his pancreas. During St. John's criminal trial, treating physician Dr. Said Daee testified about the wound and Lucas's death. The government had disclosed before trial that Lucas's family had filed a wrongful-death action against Dr. Daee, but the later testimony of the family's expert, Dr. Michael Wingate, occurred after St. John's criminal conviction.

PROCEDURAL HISTORY

After a jury convicted St. John of second-degree murder while armed, possession of a firearm during a crime of violence, and carrying a pistol without a license, this court affirmed his convictions on direct appeal in 2012. In 2016, he filed motions under D.C. Code § 23-110 alleging ineffective assistance of trial and appellate counsel and Brady/Giglio violations based on evidence concerning medical treatment of the victim. The Superior Court denied the motions without a hearing, concluding that the claims were procedurally barred and lacked merit. The District of Columbia Court of Appeals affirmed.

DISPOSITION

affirmed

CASES CITED

- Thomas v. United States, 772 A.2d 818, 824 (D.C. 2001)
- Sykes v. United States, 585 A.2d 1335, 1340 (D.C. 1991)
- Brady v. Maryland, 373 U.S. 83 (1963)
- Head v. United States, 489 A.2d 450, 451 (D.C. 1985)
- Shepard v. United States, 533 A.2d 1278, 1280 (D.C. 1987)
- Wright v. United States, 979 A.2d 26, 31 (D.C. 2009)
- United States v. Frady, 456 U.S. 152, 167-70 (1982)
- Strickland v. Washington, 466 U.S. 668 (1984)
- Murray v. Carrier, 477 U.S. 478, 488 (1986)
- Washington v. United States, 834 A.2d 889, 904 n.10 (D.C. 2003)
- Cosio v. United States, 927 A.2d 1106, 1132 (D.C. 2007)
- Brown v. United States, 181 A.3d 164 (D.C. 2018)
- Baylor v. United, 407 A.2d 664, 668-70 (D.C. 1979)
- McKinnon v. United States, 550 A.2d 915, 917-18 (D.C. 1988)
- Wu v. United States, 798 A.2d 1083, 1091 (D.C. 2002)
- United States v. Bagley, 473 U.S. 667, 682 (1985)
- Giglio v. United States, 405 U.S. 150, 154 (1972)

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