

SUPREME COURT OF THE STATE OF DELAWARE

Jones v. State

Jones · No. No. 67, 2015 · Decided November 4, 2015

SUMMARY

The Delaware Supreme Court affirmed the dismissal of Rule 61 postconviction applications filed by eleven defendants who had pleaded guilty to drug-possession offenses. The Court held that the applications were procedurally barred under the amended Rule 61 and, alternatively, lacked merit because the defendants did not establish grounds to avoid the effect of their knowing and voluntary guilty pleas.

CASE DETAILS

COURT	Supreme Court of the State of Delaware
WRITING FOR THE COURT	Leo E. Strine, Jr.; Leo E. Strine, Jr., Chief Justice; Henry duPont Ridgely Holland, Justice; James T. Valihura, Justice
JURISDICTION	Delaware
DECIDED	November 4, 2015
DOCKET	No. 67, 2015
DISPOSITION	affirmed
PROCEDURAL POSTURE	The Public Defender appealed the Superior Court's dismissal of Rule 61 applications for postconviction relief filed by eleven defendants who had pleaded guilty to drug-possession offenses.
STANDARD OF REVIEW	The Supreme Court reviewed the dismissal of the Rule 61 applications and determined whether the applications were procedurally barred and meritorious.
PRECEDENTIAL VALUE	Published Delaware Supreme Court opinion
PARTIES	Dustin Jones, et al. v. State of Delaware

TOPICS

- state post-conviction relief
- post-conviction relief
- criminal procedure
- appellate procedure
- appellate jurisdiction

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the defendants' Rule 61 applications were procedurally barred because they were filed more than one year after their convictions became final.
2. Whether the applications satisfied Rule 61's requirement that a claim of actual innocence be pleaded with particularity and supported by new evidence creating a strong inference of actual innocence.
3. Whether the defendants' allegations concerning problems at the Office of the Chief Medical Examiner provided a basis to withdraw or overcome their voluntary and knowing guilty pleas.

HOLDINGS

1. The Superior Court should have applied the procedural bars in Criminal Rule 61 because the petitions were filed after the amended rule took effect and were subject to its requirements.
2. The defendants' petitions were procedurally barred because none pleaded with particularity that new evidence existed creating a strong inference that the movant was actually innocent.
3. The petitions lacked merit because none of the defendants established a basis to avoid the effect of a voluntary and knowing guilty plea, and none alleged an unjust conviction.

KEY QUOTATIONS

“Thus, each of the petitions was procedurally barred because none of them “pleads with particularity that new evidence exists that creates a strong inference that the movant is actually innocent.”” (at 2)

FACTUAL BACKGROUND

Eleven defendants pleaded guilty to offenses involving illegal possession of drugs. They did not deny guilt or allege that they failed to acknowledge guilt; instead, they claimed that knowledge of problems at the Office of the Chief Medical Examiner would have improved their plea-bargaining leverage. None alleged facts establishing actual innocence or a basis to avoid the effect of a voluntary and knowing guilty plea.

PROCEDURAL HISTORY

The defendants filed Rule 61 applications alleging that problems at the Office of the Chief Medical Examiner would have given them greater leverage in plea bargaining. The Superior Court dismissed the applications on the merits on January 14, 2015. The Delaware Supreme Court held that the Superior Court should first have applied Rule 61's procedural bars, but affirmed the dismissal because the applications were procedurally barred and also lacked merit.

DISPOSITION

affirmed

CASES CITED

- Aricidiacono v. State, 2015 WL 5933984, at *3-4 (Del. Oct. 12, 2015)
- Anazara Brown v. State, 117 A.3d 568, 581 (Del. 2015)
- Ira Brown v. State, 108 A.3d 1201, 1205-06 (Del. 2015)
- Brewer v. State, 2015 WL 4606541, at *2-3 (Del. July 30, 2015)
- McMillan v. State, 2015 WL 3444673, at *2 (Del. May 27, 2015)
- Patrick L. Brown v. State, 2015 WL 3372271, at *2 (Del. May 22, 2015)
- Carrero v. State, 2015 WL 3367940, at *2 (Del. May 21, 2015)
- State v. Jones, C.A. No. 1211019365 (Del. Super. Jan. 14, 2015)

OPINION

Jones

PER CURIAM.

IN THE SUPREME COURT OF THE STATE OF DELAWARE

DUSTIN JONES, et al., § § No. 67, 2015 Defendants Below-Appellants, § § v. § Court Below: Superior Court § of the State of Delaware, STATE OF DELAWARE, § in and for Sussex County § Plaintiff Below-Appellee. § § Submitted: November 4, 2015 Decided: November 4, 2015 Before STRINE, Chief Justice; HOLLAND and VALIHURA, Justices.

ORDER

This 4th day of November 2015, upon consideration of the parties' briefs and the record below, it appears to the Court that:

(1) The Public Defender appeals the dismissal of Rule 61 applications filed by eleven defendants who each pled guilty to offenses involving the illegal possession of drugs. As in prior cases, the defendants do not allege that they did not acknowledge their guilt and they do not deny their guilt. Rather, they simply allege that had they known of certain problems at the Office of the Chief Medical Examiner, they would have had more leverage to bargain. In several prior cases, we have rejected the various iterations in which the Public Defender has made this essentially identical argument. 1 The Superior Court's decision is consistent with that precedent.²

(2) In response to the appeal of the Superior Court's judgment dismissing the petitions, the State argues that the Superior Court's determination that the defendants' applications lacked merit was proper, but that the Superior Court erred by not first determining whether the applications were procedurally barred under Criminal Rule 61(i)(1).³ We do not need to write at length to resolve this appeal.

(3) The State is correct that the Superior Court should have applied the procedural bars. Each of the petitions was filed after the present form of Rule 61 was adopted.⁴ Thus, each of the petitions was procedurally barred because none of them "pleads with particularity that new evidence exists that creates a strong inference that the movant is actually innocent."⁵ For that reason, the petitions should have been dismissed. But in any event, under our precedent, the petitions lack merit as none of the defendants have 1 See Aricidiacono v. State, __ A.3d __, 2015

WL 5933984, at *3–4 (Del. Oct. 12, 2015); *Anazara Brown v. State*, 117 A.3d 568, 581 (Del. 2015); *Ira Brown v. State*, 108 A.3d 1201, 1205–06 (Del. 2015); *Brewer v. State*, 2015 WL 4606541, at *2–3 (Del. July 30, 2015); *McMillan v. State*, 2015 WL 3444673, at *2 (Del. May 27, 2015); *Patrick L. Brown v. State*, 2015 WL 3372271, at *2 (Del. May 22, 2015); *Carrero v. State*, 2015 WL 3367940, at *2 (Del. May 21, 2015). 2 *State v. Jones*, C.A. No. 1211019365 (Del. Super. Jan. 14, 2015). 3 See Super. Ct. Crim. R. 61(i)(1) (“A motion for postconviction relief may not be filed more than one year after the judgment of conviction is final . . .”). 4 Criminal Rule 61 was amended on June 4, 2014. See Order Amending Rule 61 of the Superior Court Rules of Criminal Procedure (Del. Super. June 4, 2014). Although some of the defendants argue that the new version of Rule 61 should not apply, the new Rule 61 applies to all “postconviction motions filed on or after” June 4, 2014. *Id.* 5 Super. Ct. Crim. R. 61(d)(2)(i); see also Super. Ct. Crim. R. 61(i)(5) (explaining that Rule 61’s bars to relief do not apply to a claim that satisfies this pleading requirement). 2 pled any basis to avoid the effect of their voluntary and knowing plea of guilty and none has suffered an unjust conviction. NOW, THEREFORE, IT IS ORDERED that the Superior Court’s judgment of dismissal of January 14, 2015 is AFFIRMED. BY THE COURT: /s/ Leo E. Strine, Jr. Chief Justice 3