

SUPREME COURT OF DELAWARE

Dawkins v. State

954 A.2d 910 (Del. 2008) · No. No. 193, 2007 · Decided June 13, 2008

SUMMARY

The Supreme Court of Delaware affirmed the Superior Court’s denial of Bryan Dawkins’s first motion for postconviction relief. The court held that most claims were procedurally barred under Delaware Superior Court Criminal Rule 61 and rejected his ineffective-assistance claim because he could not establish prejudice.

CASE DETAILS

|                       |                                                                                                                                                                                                                      |
|-----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | Supreme Court of Delaware                                                                                                                                                                                            |
| WRITING FOR THE COURT | Jack B. Jacobs, Justice; Holland, Justice; Jacobs, Justice; Ridgely, Justice                                                                                                                                         |
| JURISDICTION          | Delaware                                                                                                                                                                                                             |
| DECIDED               | June 13, 2008                                                                                                                                                                                                        |
| DOCKET                | No. 193, 2007                                                                                                                                                                                                        |
| DISPOSITION           | affirmed                                                                                                                                                                                                             |
| PROCEDURAL POSTURE    | Appeal from the Superior Court of Delaware's denial of Dawkins's first motion for postconviction relief under Superior Court Criminal Rule 61.                                                                       |
| STANDARD OF REVIEW    | The denial of a postconviction motion under Superior Court Criminal Rule 61 is reviewed for abuse of discretion. The court must first consider Rule 61's procedural requirements before reaching substantive issues. |
| PRECEDENTIAL VALUE    | published                                                                                                                                                                                                            |
| PARTIES               | Bryan L. Dawkins v. State of Delaware                                                                                                                                                                                |

TOPICS

- state post-conviction relief
- ineffective assistance
- right to counsel
- criminal procedure
- appellate procedure

PRACTICE AREAS

- state post-conviction relief
- criminal procedure
- ineffective assistance
- appellate procedure

## QUESTIONS PRESENTED

1. Whether Dawkins's claims that the arrest warrant, indictment, and extreme-emotional-distress jury instruction were defective were barred from relitigation under Rule 61(i)(4).
2. Whether Dawkins's remaining claims, including prosecutorial-misconduct and appellate self-representation claims, were procedurally barred under Rule 61(i)(3).
3. Whether the Superior Court improperly allowed Dawkins to represent himself on direct appeal.
4. Whether trial counsel rendered ineffective assistance by failing to challenge the arrest warrant and indictment, object to the extreme-emotional-distress instruction, or object to the prosecutor's closing-argument mischaracterization of witness testimony.

## HOLDINGS

1. Claims previously adjudicated on direct appeal are barred from relitigation under Superior Court Criminal Rule 61(i)(4).
2. A postconviction claim not asserted in the proceedings leading to the judgment of conviction is barred under Rule 61(i)(3), absent cause for the default and prejudice from a violation of the petitioner's rights.
3. The Superior Court did not err in allowing Dawkins to proceed pro se after determining that his request was knowing, intelligent, and voluntary and advising him of the hazards of self-representation.
4. Dawkins failed to establish ineffective assistance because he could not show prejudice from counsel's alleged failures to challenge the arrest warrant or indictment, object to the jury instruction, or object to the prosecutor's closing argument.

## KEY QUOTATIONS

*"We review the Superior Court's denial of a postconviction motion under Rule 61 for abuse of discretion." (¶ 4)*

*"To prove his claims of ineffective assistance of counsel, Dawkins must establish: (a) that defense counsel's representation fell below an objective standard of reasonableness; and (b) that, but for counsel's unprofessional errors, there is a reasonable probability that the outcome of the case would have been different." (¶ 7)*

## FACTUAL BACKGROUND

Dawkins hid in the trunk of his estranged wife's car and emerged after she stopped the vehicle. During a heated argument, he grabbed the steering wheel, drove the car off the road, punched her, and then stabbed her multiple times after she fled into traffic; she later died. A Superior Court jury convicted him of intentional first-degree murder and related offenses, while acquitting him of several other charges.

## PROCEDURAL HISTORY

Dawkins was convicted by a Superior Court jury of intentional first-degree murder, endangering the welfare of a child, and possession of a deadly weapon during the commission of a felony. His convictions were affirmed on direct appeal. The Superior Court denied his first postconviction motion, and the Supreme Court of Delaware

remanded in November 2007 for trial counsel's affidavit and further consideration of the ineffective-assistance claims. After the matter returned from remand, the Supreme Court affirmed the Superior Court's judgment.

## DISPOSITION

affirmed

## CASES CITED

- Dawkins v. State, 2005 WL 2254197 (Del. Sept. 15, 2005)
- Outten v. State, 720 A.2d 547, 551-52 (Del. 1998)
- Younger v. State, 580 A.2d 552, 554 (Del. 1990)
- Hartman v. State, 918 A.2d 1138, 1142 (Del. 2007)
- Strickland v. Washington, 466 U.S. 668, 688 (1984)
- Albury v. State, 551 A.2d 53, 59 (Del. 1988)

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