

SUPREME COURT OF THE STATE OF DELAWARE

Cuffee v. State

Cuffee v. State · No. No. 19, 2018 · Decided May 6, 2019

SUMMARY

The Delaware Supreme Court affirmed the Superior Court’s denial of Micah O. Cuffee’s first motion for postconviction relief under Superior Court Criminal Rule 61. The Court held that several claims were procedurally barred because they had been previously adjudicated or were not raised earlier, and that Cuffee failed to establish ineffective assistance of counsel under the Strickland standard. The Court also affirmed the denial of Cuffee’s motion to compel access to recordings of 911 calls and police communications.

CASE DETAILS

COURT	Supreme Court of the State of Delaware
WRITING FOR THE COURT	Collins J. Seitz, Jr.; Valihura, Justice; Seitz, Justice; Traynor, Justice
JURISDICTION	Delaware
DECIDED	May 6, 2019
DOCKET	No. 19, 2018
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from the Superior Court's denial of Cuffee's first motion for postconviction relief under Delaware Superior Court Criminal Rule 61.
STANDARD OF REVIEW	The denial of postconviction relief is reviewed for abuse of discretion, while questions of law are reviewed de novo. Courts must first consider Rule 61's procedural requirements before reaching the merits of underlying postconviction claims.
PRECEDENTIAL VALUE	Published per curiam order; precedential status is not otherwise specified in the opinion text.
PARTIES	Micah O. Cuffee v. State of Delaware

TOPICS

state post-conviction relief

post-conviction relief

ineffective assistance

appellate procedure

criminal procedure

PRACTICE AREAS

post-conviction relief

criminal procedure

ineffective assistance of counsel

appellate procedure

QUESTIONS PRESENTED

1. Whether the Superior Court properly denied Cuffee's motion to compel renewed access to 911 and police radio recordings.
2. Whether claims concerning amendment of the indictment, prosecutorial misconduct, self-representation, and withholding of recordings were barred by Delaware Superior Court Criminal Rule 61(i)(4) because they had been formerly adjudicated.
3. Whether claims concerning photographs of copper tubing and certain alleged prosecutorial misconduct were barred by Rule 61(i)(3) because they were not raised in the proceedings leading to conviction and Cuffee failed to establish cause and prejudice.
4. Whether Cuffee established ineffective assistance of counsel under the Strickland standard based on counsel's handling of physical evidence, recordings, a proposed mistrial, and a juror recognized by the prosecutor.

HOLDINGS

1. The Superior Court did not err in denying Cuffee's motion to compel because the recording-related claims had already been addressed and rejected on direct appeal, and Rule 61(i)(4) bars formerly adjudicated claims.
2. Claims concerning amendment of the indictment, prosecutorial statements, the right to represent oneself, and withholding of the recordings were barred by Rule 61(i)(4) because this Court had addressed and rejected them on direct appeal.
3. Claims not asserted in the proceedings leading to the judgment of conviction are barred unless the movant shows cause for the default and prejudice from a violation of the movant's rights; Cuffee failed to make that showing for the copper-tubing photographs and bolt-cutter-functionality claims.
4. Cuffee failed to establish ineffective assistance of counsel because he did not show objectively unreasonable representation and a reasonable probability that the alleged errors affected the outcome.

KEY QUOTATIONS

"We review the Superior Court's denial of postconviction relief for abuse of discretion, although we review questions of law de novo." (¶ 6)

"To prevail on his ineffective assistance of counsel claims, Cuffee must establish that: (i) his counsel's representation fell below an objective standard of reasonableness; and (ii) but for counsel's unprofessional errors, there is a reasonable probability that the outcome of the proceedings would have been different." (¶ 12)

"Given the amount of time since the prosecutor had apparently last interacted with the juror and the fact that the juror did not recognize the prosecutor, counsel's decision not to seek removal of the juror fell within the range of reasonable professional assistance." (¶ 19)

FACTUAL BACKGROUND

A resident near Walker Road in Dover reported nighttime noises, including a vehicle and metallic scraping. Police found disconnected air-conditioning units behind 1155 Walker Road and later observed a maroon minivan, driven by Cuffee, near the units; after the minivan became stuck, a white pickup truck helped tow it away, and the air-conditioning units were moved. Police stopped the vehicles and found bolt cutters, pliers, a flashlight, and work gloves in the minivan.

PROCEDURAL HISTORY

A Superior Court jury convicted Cuffee of attempted theft, conspiracy in the second degree, and criminal mischief, and the Superior Court sentenced him after declaring him a habitual offender. The Delaware Supreme Court affirmed his convictions on direct appeal. Cuffee then filed a timely first motion for postconviction relief, which a Superior Court Commissioner recommended denying after applying Rule 61's procedural bars. The Superior Court adopted the Commissioner's recommendation and denied relief, and the Delaware Supreme Court affirmed.

DISPOSITION

affirmed

CASES CITED

- Cuffee v. State, 2014 WL 5254614, at *1-8 (Del. Oct. 14, 2014)
- Claudio v. State, 958 A.2d 846, 850 (Del. 2008)
- Younger v. State, 580 A.2d 552, 554 (Del. 1990)
- Bradley v. State, 135 A.3d 748, 759 (Del. 2016)
- Somerville v. State, 703 A.2d 629, 631 (Del. 1997)
- Murphy v. State, 632 A.2d 1150, 1152 (Del. 1993)
- Brady v. Maryland, 373 U.S. 83 (1963)
- Strickland v. Washington, 466 U.S. 668, 687-88 (1984)
- Flamer v. State, 585 A.2d 736, 753 (Del. 1990)
- Gunter v. State, 2016 WL 2765360, at *3 (Del. May 9, 2016)
- Zimmerman v. State, 2010 WL 546971, at *2 (Del. Feb. 16, 2010)