

SUPREME COURT OF DELAWARE

Mojica v. State

977 A.2d 899 (Del. 2009) · No. No. 263, 2009 · Decided August 10, 2009

SUMMARY

The Delaware Supreme Court affirmed the Superior Court's denial of Abel Mojica's first motion for postconviction relief. The court held that his claims were procedurally barred and that his voluntary guilty plea waived challenges to alleged errors occurring before the plea.

CASE DETAILS

COURT	Supreme Court of Delaware
WRITING FOR THE COURT	Henry Dupont Ridgely; Steele, Chief Justice; Jacobs, Justice; Ridgely, Justice
JURISDICTION	Delaware
DECIDED	August 10, 2009
DOCKET	No. 263, 2009
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from the Superior Court's denial of Mojica's first motion for postconviction relief following his guilty plea and convictions for possession with intent to deliver heroin and possession of a firearm during the commission of a felony.
STANDARD OF REVIEW	The appeal was affirmed because it was manifest on the face of the opening brief that it was without merit.
PRECEDENTIAL VALUE	Published Delaware Supreme Court opinion
PARTIES	Abel Mojica v. State of Delaware

TOPICS

- state post-conviction relief
- post-conviction relief
- criminal procedure
- suppression of evidence
- appellate procedure

PRACTICE AREAS

- criminal procedure
- post-conviction relief
- appellate procedure

QUESTIONS PRESENTED

1. Whether Mojica's postconviction claims challenging the legality of the search and the State's alleged failure to preserve exculpatory evidence were procedurally barred under Superior Court Criminal Rule 61.
2. Whether Mojica's voluntary guilty plea waived his right to challenge alleged errors occurring before the plea.

HOLDINGS

1. The Superior Court correctly concluded that Mojica's postconviction motion was procedurally barred because claims previously resolved against him were barred by Superior Court Criminal Rule 61(i)(4), while claims not raised in the proceedings leading to conviction were barred by Rule 61(i)(3) absent a showing of cause and prejudice.
2. Mojica's voluntary guilty plea waived his right to challenge alleged errors occurring before entry of the plea.

KEY QUOTATIONS

“Moreover, Mojica's voluntary guilty plea waived his right to challenge any alleged errors occurring prior to the entry of his plea.” (¶ 5)

FACTUAL BACKGROUND

Mojica was arrested in December 2006 after bond agents, acting for the bondsperson who had posted his bail, located him at his apartment. The agents observed apparent drug transactions, entered the apartment after the door was opened, seized Mojica, observed drugs in plain view, and found drugs in his pockets. Police later obtained a search warrant and discovered drugs, paraphernalia, and a loaded gun in the apartment.

PROCEDURAL HISTORY

Mojica was indicted on multiple drug and weapon charges and moved to suppress evidence seized during and after his arrest. The Superior Court denied the suppression motion, after which Mojica pleaded guilty in exchange for dismissal of the remaining charges and did not appeal. The Superior Court later denied his first postconviction motion, holding that some claims were barred by Superior Court Criminal Rule 61(i)(4) and the remaining claims by Rule 61(i)(3). The Delaware Supreme Court affirmed under its motion-to-affirm procedure.

DISPOSITION

affirmed

CASES CITED

- *Miller v. State*, 840 A.2d 1229, 1232 (Del. 2003)