

SUPREME COURT OF DELAWARE

Freddy Flonnory v. State of Delaware

778 A.2d 1044 (Del. 2001) · No. Nos. 421, 443, 1999 · Decided August 14, 2001

SUMMARY

The Delaware Supreme Court reviewed Freddy Flonnory's direct appeal from convictions and a death sentence for murder and related offenses. The court held that improper extraneous communications and prejudicial information reached the jury, creating presumptive prejudice and violating Flonnory's right to a fair trial before an impartial jury. The judgments of the Superior Court were reversed and the case was remanded for a new trial.

CASE DETAILS

COURT	Supreme Court of Delaware
WRITING FOR THE COURT	Holland, Justice; Veasey, Chief Justice; Walsh, Justice; Berger, Justice; Steele, Justice
JURISDICTION	Delaware
DECIDED	August 14, 2001
DOCKET	Nos. 421, 443, 1999
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Direct appeal, including an automatic appeal from a death sentence, following convictions for first-degree murder and related offenses. The appeal challenged, among other things, the denial of a mistrial based on extraneous prejudicial information communicated to the jury.
STANDARD OF REVIEW	The opinion does not state a separate standard-of-review formula; it reviewed the denial of the mistrial motion and the constitutional impartial-jury issue.
PRECEDENTIAL VALUE	Published en banc opinion of the Supreme Court of Delaware; binding Delaware precedent.
PARTIES	Freddy Flonnory v. State of Delaware

TOPICS

- criminal procedure
- due process
- evidence
- appellate procedure
- fourteenth amendment

PRACTICE AREAS

criminal law

criminal procedure

constitutional law

appellate practice

QUESTIONS PRESENTED

1. Whether extraneous, highly prejudicial information that Flonnory had previously been accused of murder was improperly communicated to the jury outside the courtroom and violated his constitutional right to a fair trial before an impartial jury.
2. Whether the circumstances established a presumption of prejudice under Delaware's egregious-circumstances test for juror taint.
3. Whether the sworn testimony that the extraneous information affected one juror's vote established actual prejudice.
4. Whether the trial court was required to declare a mistrial after learning that the jury had deliberated with the prejudicial information.

HOLDINGS

1. Communication of highly prejudicial, improper, and inadmissible information about Flonnory's alleged prior murder involvement to jurors outside the courtroom violated his right to a fair trial before an impartial jury under the Sixth Amendment, as applied through the Fourteenth Amendment, and Article I, § 7 of the Delaware Constitution.
2. When a defendant proves a reasonable probability of juror taint arising from egregious circumstances that are inherently prejudicial, prejudice is presumed and the defendant need not prove actual prejudice.
3. Actual prejudice was independently established when a juror testified that the improperly communicated information about Flonnory's alleged prior murder involvement affected her vote to convict him of first-degree murder.
4. Once the guilt phase had concluded and the court learned that the jury had deliberated with inherently prejudicial extraneous information, manifest necessity required a mistrial; the trial court erred by denying Flonnory's mistrial motion and proceeding to the penalty phase.

KEY QUOTATIONS

"the right to a fair trial by an impartial jury in a criminal proceeding, that is guaranteed by both the United States Constitution and the Delaware Constitution requires that "the jury's verdict be based on evidence received in open court, not from outside sources." (1053)

"This Court has held "fairness and, indeed, the integrity of the judicial process, make it imperative that jurors receive information about the case only as a corporate body in the courtroom." (1055)

"Therefore, we hold that the communication of highly prejudicial improper and inadmissible information by juror Number Six to the other jurors, outside of the courtroom, violated Flonnory's right to a fair trial by an impartial jury under both the United States Constitution and the Delaware Constitution." (1056)

“Clearly, however, there was a manifest necessity to declare a mistrial when the jury deliberated with knowledge of that highly prejudicial information.” (1058)

FACTUAL BACKGROUND

Flonnory was tried for the murders of Angela Farmer and Danya Adams, arising from a retaliatory shooting in Wilmington. During the fifth week of trial, an unidentified woman approached several jurors and told one juror that Flonnory had killed more than two people and had previously been accused of murder. That juror repeated the information to the other jurors, and another juror later testified under oath that the information affected her vote to convict Flonnory of first-degree murder. The trial judge did not conduct a full inquiry or give a curative instruction before proceeding to the penalty phase.

PROCEDURAL HISTORY

Flonnory and Korey Twyman were jointly indicted, but their cases were severed before trial. After a jury found Flonnory guilty on all counts, the jury found a statutory aggravating circumstance and determined that aggravating circumstances outweighed mitigating circumstances; the Superior Court sentenced him to death. During the trial and after the guilt verdict, jurors disclosed that prejudicial information about Flonnory's alleged prior murder involvement had been communicated outside the courtroom. The Superior Court denied Flonnory's motions for a mistrial and new trial and proceeded with the penalty phase. The Delaware Supreme Court reversed and remanded for a new trial before a different judge.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The judgments of the Superior Court were reversed. The case was remanded for a new trial before a different judge. None of the trial judge's rulings at the first trial was to constitute the law of the case at the new trial.

CASES CITED

- Duncan v. Louisiana, 391 U.S. 145, 149, 151-56 (1968)
- Turner v. Louisiana, 379 U.S. 466, 472-73 (1965)
- Marshall v. United States, 360 U.S. 310, 312-13 (1959)
- Hughes v. State, 490 A.2d 1034, 1046-47 (Del. 1985)
- Massey v. State, 541 A.2d 1254, 1257-59 (Del. 1988)
- Sheeran v. State, 526 A.2d 886, 894-97 (Del. 1987)
- McDonald v. Pless, 238 U.S. 264, 267 (1915)
- Mattox v. United States, 146 U.S. 140, 149 (1892)
- Diaz v. State, 743 A.2d 1166, 1180 (Del. 1999)
- Smith v. State, 317 A.2d 20, 23 (Del. 1974)
- Burke v. State, 484 A.2d 490, 500 (Del. 1984)

- McCloskey v. State, 457 A.2d 332, 337-38 (Del. 1983)
- Barnes v. Toppin, 482 A.2d 749, 753 (Del. 1984)
- Bailey v. State, 521 A.2d 1069 (Del. 1987)
- Sheppard v. Maxwell, 384 U.S. 333, 362 (1966)
- Getz v. State, 538 A.2d 726 (Del. 1988)
- Styler v. State, 417 A.2d 948, 951-52 (Del. 1980)
- Lovett v. State, 516 A.2d 455, 475 (Del. 1986)
- Claudio v. State, 585 A.2d 1278, 1290 (Del. 1991)
- Patterson v. Colorado, 205 U.S. 454, 462 (1907)