

SUPERIOR COURT OF THE STATE OF DELAWARE

State v. Holmes

No. Crim. Act. No. 1210019908, Superior Court of the State of Delaware (January 30, 2026)

SUMMARY

The Delaware Superior Court denied Eric Holmes’s motion to compel disclosure of DNA materials and the complete prosecution and defense case files, as well as his related motion to stay postconviction proceedings. The court held that Holmes failed to demonstrate the compelling reason required for discretionary discovery under Delaware Superior Court Criminal Rule 61. The court also found that his second postconviction motion did not plead an applicable exception to the procedural bars for successive motions.

CASE DETAILS

COURT	Superior Court of the State of Delaware
WRITING FOR THE COURT	Danielle J. Brennan
JURISDICTION	Delaware Superior Court
DECIDED	January 30, 2026
DOCKET	Crim. Act. No. 1210019908
DISPOSITION	denied
PROCEDURAL POSTURE	Holmes filed a second motion for postconviction relief and sought discovery and a stay of the postconviction proceedings. The Superior Court denied both motions.
STANDARD OF REVIEW	The court exercised its discretion under Superior Court Criminal Rule 61 to determine whether particularized postconviction discovery was warranted for good cause or a compelling reason.
PRECEDENTIAL VALUE	Published
PARTIES	State of Delaware v. Eric Holmes

TOPICS

- post-conviction relief
- successive petitions
- discovery criminal
- criminal procedure
- actual innocence

PRACTICE AREAS

- criminal procedure
- post-conviction relief
- evidence

QUESTIONS PRESENTED

1. Whether Holmes demonstrated a compelling reason or good cause for particularized discovery under Superior Court Criminal Rule 61.
2. Whether Holmes's request for a stay of the postconviction proceedings should be granted while the requested discovery was pursued.
3. Whether Holmes's second postconviction motion plausibly invoked an exception to the procedural bars for successive motions based on actual innocence or a retroactive new constitutional rule.

HOLDINGS

1. A defendant has no general discovery right under Rule 61, and particularized discovery may be granted only in the court's discretion upon a showing of good cause, including a compelling reason; Holmes failed to make that showing.
2. The motion to stay was properly denied because Holmes failed to establish a compelling reason for the discovery on which his requested stay depended.
3. A successive Rule 61 motion must plead with particularity either new evidence creating a strong inference of actual innocence or a qualifying new retroactive constitutional rule rendering the conviction invalid; Holmes had not pleaded either exception.

KEY QUOTATIONS

“Although a defendant does not have a discovery right under Rule 61, this Court possesses “inherent authority under Rule 61 in the exercise of its discretion to grant particularized discovery for good cause shown.”” (¶ 10)

“In allowing discovery, the Court will not allow a defendant ‘to go on a fishing expedition through the government's files in hopes of finding some damaging evidence.’” (¶ 10)

“In order to avoid the procedural bars for subsequent postconviction motions, Holmes must plead “with particularity that new evidence exists that creates a strong inference that the movant is actually innocent in fact of the acts underlying the charges of which he was convicted”” (¶ 13)

FACTUAL BACKGROUND

In 2012, police stopped a vehicle after receiving information from a reliable confidential informant that it contained a firearm. A loaded Ruger .22 revolver was found in Holmes's waistband, along with prescription pills in his pocket; another loaded firearm was found on a codefendant. Holmes was convicted of possession of a firearm by a person prohibited and later sought DNA materials, witness statements, investigative records, and other case-file materials in support of his second postconviction motion.

PROCEDURAL HISTORY

Holmes was convicted by a jury of possession of a firearm by a person prohibited, declared a habitual offender, and sentenced to sixteen years at Level V followed by decreasing levels of supervision. His conviction, first postconviction motion, and related discovery rulings were affirmed or denied in prior proceedings. While his

second postconviction motion was pending, Holmes moved to compel DNA records and his complete case files and sought a stay; the Superior Court denied both requests.

DISPOSITION

denied

CASES CITED

- State v. Holmes, 2016 WL 4413150, at *1-*2 (Del. Super. Aug. 17, 2016)
- Holmes v. State, 2015 WL 428071, at *1 (Del. Jan. 29, 2015)
- Holmes v. State, 2017 WL 3725065, at *1-*2 (Del. Aug. 29, 2017)
- State v. Holmes, 2016 WL 7324098, at *9 (Del. Super. Dec. 15, 2016)
- Cabrera v. State, 173 A.3d 1012, 1032 (Del. 2017)
- Dawson v. State, 673 A.2d 1186, 1197-98 (Del. 1996)
- State v. Jackson, 2006 WL 1229684, at *2 (Del. Super. May 3, 2006)
- State v. Cabrera, 2008 WL 3853998, at *4 (Del. Super. Ct. Aug. 14, 2008)
- Younger v. State, 580 A.2d 552, 554 (Del. 1990)
- Erlinger v. United States, 602 U.S. 821 (2024)

OPINION

PER CURIAM.

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE STATE OF DELAWARE,))) v.
) Crim. Act. No. 1210019908)) ERIC HOLMES) Date Submitted: October 28, 2025, November
17, 2025 Date Decided: January 30, 2026 ORDER DENYING HOLMES’ MOTION TO
COMPEL & MOTION TO STAY PROCEEDINGS 1. Defendant Eric Holmes was found guilty
after a jury trial of Possession of a Firearm by a Person Prohibited.

1 The facts of his conviction have been found OF previously by this Court: On October 27, 2012, [Holmes] was one of the occupants of a vehicle that was the subject of a police stop in the 800 block of North Spruce Street. A reliable confidential informant had advised Wilmington Police that within that vehicle was a firearm. Upon arrival, police located the vehicle which was occupied by Holmes, codefendant Oliver Smith, and occupants Latisha Powell and Deoddrick Purnell.

All occupants were asked to exit the vehicle, all complied and were placed in custody. A black Ruger “single six”.22 revolver was found in Holmes’ waistband which was loaded with five.22 caliber Remington rounds. Inside his left leg pant pocket was one clear bag containing six Endocet pills and eight Alprazolam (Xanax) pills. A black Intratec 9 mm Leger Tec 9 was found in codefendant Smith’s waistband which 1 State v. Eric Holmes, Crim.

I.D. No. 120019908, Docket Item (hereinafter “D.I.”) 45, 46. was loaded with thirty 9 mm Luger rounds with one in the chamber. Occupants Powell and Purnell were questioned and released. 2 1F 2. At the time of sentencing, the State moved to declare Holmes a habitual offender pursuant to 11 Del. C. § 4214. 3 Holmes was so declared, and sentenced as 2F a habitual offender to sixteen (16) years at Level V, followed by decreasing levels of supervision.

4 Holmes appealed his conviction, which was ultimately affirmed 3F by the Supreme Court of the State of Delaware on January 29, 2015. 5 4F 3. Holmes moved for a sentence reduction on February 24, 2015, which this Court denied on March 4, 2015. 65F 4.

On February 27, 2015, Holmes moved for appointment of counsel for purposes of moving for postconviction relief. 7 This request was granted and 6F postconviction counsel was appointed. 8 In relation to the appointment of counsel, 7F the Court Ordered trial counsel to provide the entirety of his file to postconviction counsel and that other documents from the Court’s file and appropriate items of the Investigative Services Office’s file be made available to postconviction counsel.

9 8F 2 State v. Holmes, 2016 WL 4413150, *1 (Del. Super. Aug. 17, 2016). 3 D.I. 45. 4 D.I. 45, 46. 5 Holmes v. State, 2015 WL 428071, at *1 (Del. Jan. 29, 2015). 6 D.I. 57, 59. 7 D.I. 56. 8 D.I. 67; State v. Holmes, 2015 WL 1197687, at *1 (Del. Super. Mar. 12, 2015). 9 D.I. 71. 4.

On October 20, 2015, Holmes filed his first motion for postconviction relief. 10 On January 27, 2016, counsel moved to withdraw his representation. 11 9F 10F Holmes then moved to compel the State to produce certain discovery items concerning the investigation of his case. 12 Specifically, Holmes requested: (1) “the 11F statements of L. Powell and D. Purnell” (2) DNA results; (3) ballistic results.

13 On 12F August 17, 2016, this Court denied Holmes’ motion to compel discovery, noting that Holmes conceded that “all evidence subject to Rule 61 discovery was turned over long ago...[and that] Holmes ha[d] failed to demonstrate a compelling reason for the discovery of the requested evidence – even if the additional evidence exists.” 1413F 5. Ultimately, postconviction counsel’s motion to withdraw was granted and Holmes’ postconviction motion was denied on December 15, 2016.

15 Holmes 14F appealed the denial, 16 which was later affirmed by the Delaware Supreme Court. 17 15F 16F 10 D.I. 69. This initial filing was a “placeholder” motion. Thereafter, a full briefing schedule was issued by the Court which provided for an amended counseled postconviction motion to be filed. D.I. 70. 11 D.I. 73, 74. 12 D.I. 79, 82. 13 Holmes, 2016 WL 4413150, at *1.

14 Id. at *2. 15 D.I. 85; State v. Holmes, 2016 WL 7324098, at *9 (Del. Super. Dec. 15, 2016). 16 D.I. 86, 17 Holmes v. State, 2017 WL 3725065, at *2 (Del. Aug. 29, 2017). Holmes appeared to only appeal certain aspects of the Superior Court’s decision, as noted in the Supreme Court’s

Order: “To the extent that Holmes raised other issues in the motion he filed in the Superior Court, he has waived any right to further review of those claims on appeal by failing to argue them in his opening brief.” Id. at *1.

This waiver subsumes the denial of Holmes’ postconviction related discovery requests. 6. On June 1, 2018, Holmes petitioned for a Writ of Habeas Corpus. 18 17F This Petition was denied on June 8, 2018. 19 Following, Holmes filed a string of 18F letters to the Court, including various unsupported requests for information. 20 19F 7.

On February 3, 2025, Holmes filed a “Motion to Vacate Sentence” 21 20F pursuant to *Erlinger v. United States*. 22 That motion is pending, as it was stayed at 21F the request of the State on April 23, 2025. 23 22F 8. On May 5, 2025, Holmes filed the instant motion for postconviction relief, his second, 24 accompanied by a motion for appointment of counsel. 25 The 23F 24F motion for appointment of counsel was denied on July 16, 2025.

26 Following that 25F denial, a briefing schedule for the postconviction motion was issued. 27 Amendments 26F to that schedule were made at Holmes’ request for additional time. 28 27F The postconviction motion is pending. 18 D.I. 90. 19 D.I. 95. 20 D.I. 96, 97, 99, 100, 101, 103, 104. 21 D.I. 105. 22 *Erlinger v. United States*, 602 U.S. 821 (2024). 23 D.I. 109.

24 D.I. 111. 25 D.I. 110. 26 D.I. 114. 27 D.I. 115. 28 D.I. 118, 119, 9. On October 28, 2025, Holmes filed a “Motion to Compel Disclosure of DNA Results and Complete Case File in Support of Pending Rule 61 Motion.” 29 In 28F his motion, similar to his 2016 motion, Holmes requests: (1) DNA evidence, raw data, laboratory notes, and chain of custody documentation associated with this case; (2) the complete prosecution and defense case file, including all witness statements, investigative reports, correspondence, notes, internal memoranda, and any other exculpatory or impeaching materials.

30 Holmes asserts these materials are required 29F for the prosecution of his postconviction motion, which is the basis for him moving to stay the postconviction proceedings. Holmes’ motion for a stay argues the requested discovery is needed prior to fully presenting his motion. 31 30F 10.

Although a defendant does not have a discovery right under Rule 61, this Court possesses “inherent authority under Rule 61 in the exercise of its discretion to grant particularized discovery for good cause shown.” 32 “In allowing 31F discovery, the Court will not allow a defendant ‘to go on a fishing expedition through the government’s files in hopes of finding some damaging evidence.’” 33 Such 32F 29 D.I.

120. 30 D.I. 120. 31 D.I. 121. 32 *Cabrera v. State*, 173 A.3d 1012, 1032 (Del. 2017) (citing *Dawson v. State*, 673 A.2d 1186, 1197 (Del. 1996)). 33 *State v. Holmes*, 2016 WL 4413150, at *1 (Del. Super. Aug. 17, 2016) (citing *State v. Jackson*, 2006 WL 1229684, *2 (Del. Super. May 3, 2006)

(internal citations omitted)). discovery will only be granted when an inmate demonstrates “a compelling reason for discovery.” 34 33F 11.

Holmes has not presented any such compelling reason. Holmes’ assertions that he has never received DNA records or his full case files is contradictory to the representations he made to the Court in 2016. The Court’s finding that Holmes “concede[d] in his motion, [that] all evidence subject to Rule 61 discovery was turned over long ago” is equally important in the determination here.

35 34F 12. Further, Holmes’ assertion of new evidence is also unavailing. Holmes contends there is “an undisclosed ‘case participant list’ identifying Defense witnesses with the designation ‘AG’” which he feels is “indicative of a possible undisclosed connection between the witness and Attorney General’s office.” 36 35F These claims are unsupported, conclusory and fail to establish any compelling reason to justify his discovery requests.

37 36F 34 Holmes, 2016 WL 4413150, at *1 (citing *Dawson v. State*, 673 A.2d 1186, 1198 (Del. 1996) (materials requested “[were] not discoverable under a good cause standard because [defendant] has shown no compelling reason for their discovery”); see also *State v. Cabrera*, 2008 WL 3853998, *4 (Del. Super. Ct. Aug. 14, 2008). 35 Holmes, 2016 WL 4413150, at *2.

36 D.I. 120. 37 Holmes appears to be referring to a portion of the Court’s records, in which a “Case Participant List” can be shown. 13. Finally, prior to deciding this matter, the Court engaged in a cursory review of Holmes’ postconviction motion to assist in determining whether such a compelling reason exists for production of the requested material.

The pending postconviction motion is Holmes’ second such motion. Therefore, procedural bars are to be considered prior to any further analysis. 38 In order to avoid the procedural 37F bars for subsequent postconviction motions, Holmes must plead “with particularity that new evidence exists that creates a strong inference that the movant is actually innocent in fact of the acts underlying the charges of which he was convicted” 39 or 38F plead “with particularity a claim that a new rule of constitutional law, made retroactive to cases on collateral review by the United States Supreme Court or the Delaware Supreme Court, applies to the movant’s case and renders the conviction...invalid.” 40 39F 14.

The decision denying Holmes’ request for appointment of counsel already determined that Holmes has not pled either of these exceptions. There is nothing presented in either Holmes’ instant motions to compel or for a stay that warrants a different finding. 38 *Younger v. State*, 580 A.2d 552, 554 (Del. 1990). 39 Super. Ct. Crim. R. Proc. 61(2)(i). 40 Super. Ct.

Crim. R. Proc. 61(2)(ii). 15. Accordingly, Holmes has failed to demonstrate a compelling reason for the discovery of the evidence he now seeks. Therefore, his Motion to Compel Production of Discovery, and likewise his Motion for Stay is DENIED. IT IS SO ORDERED.

Danielle J. Brennan, Judge Original to Prothonotary cc: Brian Arban, Deputy Attorney General Brian Robertson, Deputy Attorney General Eric Holmes, pro se, SBI# 00465822

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