

IN THE SUPREME COURT OF THE STATE OF DELAWARE

STEVEN D. CRAWFORD,	§	
	§	Nos. 652 & 655, 2012C
Defendant Below,	§	
Appellant,	§	Court Below—Superior Court
	§	of the State of Delaware, in and
v.	§	for New Castle County
	§	
STATE OF DELAWARE,	§	Cr. ID No. 30800813DI
	§	
Plaintiff Below,	§	
Appellee.	§	

Submitted: February 15, 2013

Decided: May 15, 2013

Before **BERGER, JACOBS and RIDGELY**, Justices.

**ORDER**

This 15<sup>th</sup> day of May 2013, upon consideration of the appellant’s opening brief and the appellee’s motion to affirm pursuant to Supreme Court Rule 25(a), it appears to the Court that:

(1) In 1988, the appellant, Steven D. Crawford (“Crawford”), was indicted by a grand jury for the murder of his former girlfriend. In 1989, a Superior Court jury convicted Crawford of the murder, and on direct appeal, we affirmed the judgment.<sup>1</sup>

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<sup>1</sup> *Crawford v. State*, 580 A.2d 571 (Del. 1990).

(2) Crawford appeals from the Superior Court’s November 26, 2012 order denying his third motion for postconviction relief under Superior Court Criminal Rule 61 (“Rule 61”). Crawford also appeals from the Superior Court’s November 1, 2012 order denying his motion to compel disclosure of the grand jury proceedings (“motion to compel”).

(3) In his opening brief on appeal, Crawford has not challenged the denial of his third motion for postconviction relief, only the denial of his motion to compel. As a result, the claims raised in Crawford’s third postconviction motion are deemed waived.<sup>2</sup>

(4) Crawford’s motion to compel arises from his longstanding claim that his murder conviction should be reversed because the State failed to disclose and preserve certain exculpatory evidence collected from the crime scene (“the Claim”). According to Crawford, had the State disclosed and preserved the evidence, and had the evidence been tested and analyzed, he would have been exonerated of criminal liability for the murder of his former girlfriend, and the true killer would have been identified.

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<sup>2</sup> *Somerville v. State*, 703 A.2d 629, 631 (Del. 1997); *Murphy v. State*, 632 A.2d 1150, 1152 (Del. 1993).

(5) Crawford raised that Claim initially in his first motion for postconviction relief. The Superior Court analyzed the Claim as follows:

The claim here is really not one of withholding evidence. These items were disclosed to the defense and there was no request to allow the defense to test them. The fact that the physical evidence did not implicate [Crawford] was argued to the jury. The claim really is that the State should have conducted various tests on these items to determine whether the results would have implicated someone else.<sup>3</sup>

(6) In denying Crawford's first motion for postconviction relief, the Superior Court barred consideration of the Claim under Rule 61(i)(3) for failure, without cause, to assert the Claim during the proceedings that led to the convictions.<sup>4</sup> On appeal, this Court affirmed that Superior Court order.<sup>5</sup>

(7) Crawford next raised the Claim in his second motion for postconviction relief. Before denying Crawford's second postconviction motion as procedurally barred under Rule 61(i)(1), the Superior Court

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<sup>3</sup> *State v. Crawford*, 1994 WL 1750390 (Del. Super. Sept. 13, 1994).

<sup>4</sup> *Id.*

<sup>5</sup> *Crawford v. State*, 655 A.2d 1224 (Del. 1995).

considered the merit of the Claim under Rule 61(i)(5) and found none.<sup>6</sup> On appeal, we again affirmed that Superior Court order.<sup>7</sup>

(8) The most recent iteration of Crawford's Claim is that if the State did not disclose the exculpatory evidence to the grand jury, his indictment was based on incomplete evidence and therefore defective. Based on that Claim, Crawford moved to compel disclosure of the grand jury proceedings to determine whether or not the State had disclosed the exculpatory evidence to the grand jury.

(9) In denying Crawford's motion to compel, the Superior Court ruled:

[Crawford] claims a need to review the grand jury proceedings to ensure that there was sufficient evidence to indict him. The desire to "double check" the work of the Grand Jury – without any proffered basis to call that work into question – if permitted, would undermine the confidentiality of those proceedings not only in this case but in all cases.

(10) Grand jury proceedings are generally confidential,<sup>8</sup> but "in circumstances where the interests of justice require it, disclosure of

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<sup>6</sup> *State v. Crawford*, 2005 WL 2841652 (Del. Super. Oct. 28, 2005).

<sup>7</sup> *Crawford v. State*, 901 A.2d 119 (Del. 2006). In 2010, Crawford attempted to raise the Claim in a petition for writ of certiorari. We dismissed his petition. *In re Crawford*, 2 A.3d 73 (Del. 2010).

<sup>8</sup> See DEL. SUPER. CT. CRIM. R. 6(e).

proceedings before the Grand Jury may be ordered by the Superior Court.”<sup>9</sup>

In this case, Crawford sought disclosure of the grand jury proceedings to pursue the Claim, which the court had previously found was barred under Rule 61(i)(1) and (3). At this stage, the Claim is also barred as formerly adjudicated under Rule 61(i)(4). Reconsideration of the Claim is not warranted in the interests of justice. Moreover, we discern no error or abuse of discretion in the Superior Court’s denial of Crawford’s motion to compel.

NOW, THEREFORE, IT IS ORDERED that the appellee’s motion to affirm is GRANTED. The order of the Superior Court is AFFIRMED.

BY THE COURT:

/s/ Jack B. Jacobs  
Justice

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<sup>9</sup> *In re Steigler*, 250 A.2d 379, 382 (Del. 1969).