

**IN THE SUPERIOR COURT OF THE STATE OF DELAWARE**  
**IN AND FOR KENT COUNTY**

STATE OF DELAWARE	)	
	)	
v.	)	I.D. No. 0503013152
	)	
JEROME G. SULLINS	)	
	)	
Defendant	)	
	)	

Submitted: January 5, 2009  
Decided: March 30, 2009

Upon Defendant's Motion for Postconviction Relief.  
**SUMMARILY DISMISSED.**

Upon Defendant's Motion for Assistance of Counsel.  
**DENIED.**

Upon Defendant's Renewed Trial Motion to Compel.  
**DENIED.**

**ORDER**

Andrew J. Vella, Esquire, Deputy Attorney General, Department of Justice,  
Wilmington, Delaware, Attorney for the State.

Jerome G. Sullins, James T. Vaughn Correctional Institution, Smyrna,  
Delaware, *pro se*.

COOCH, J.

This 30<sup>th</sup> day of March, 2009, upon consideration of Defendant's motion for postconviction relief, it appears to the Court that:

1. Following a trial (in which Defendant was represented by counsel), a jury found Defendant guilty of Trafficking in Heroin, Possession with Intent to Deliver Heroin, Possession with Intent to Deliver Cocaine, Disregarding a Police Officer, and Reckless Driving. The jury found Defendant not guilty of Possession of a Deadly Weapon during the Commission of a Felony, Assault Second Degree, Criminal Mischief, and Reckless Endangering Second.

2. Defendant filed a Motion for New Trial, which this Court denied. Defendant appealed his Motion for New Trial to the Supreme Court. On April 2, 2008, the Supreme Court issued an order affirming the judgment of the Superior Court, finding "no merit to his appeal."<sup>1</sup>

3. Defendant filed the instant motion for postconviction relief on December 22, 2008. Defendant has asserted three grounds for relief. The following constitutes the entirety of the substantive portion of Defendant's motion for postconviction relief:

Ground one: Brady Violation

Finger print evidence was taken at arrest this information was compelled to and ordered by the Court to produce to defendant and it still has not been delivered. Information critical to defense.

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<sup>1</sup> *Sullins v. State*, 945 A.2d 1168 (Del. 2008) (Table).

Ground two: Violation of the 4 corners of the affidavit. Warrantless entry—police search [*sic*] house shared by defendant.

The procedures for a warrantless entry and the police participation in the search were violated. During suppression court ruled initial entry was illegal. (Case mirrors Thomas Legrande)

Ground three: Miscarriage of justice (Judicial and prosecutor misconduct [;] also ineffective counsel)

The information that defendants fingerprints were not on [*sic*] evidence was not presented to jury—it would create a doubt as to the ownership of evidence and credibility of states witness.

4. Superior Court Rule 61(b)(2) provides in part that a “motion [for postconviction relief] . . . shall set forth in summary form the facts supporting each of the grounds thus specified.” Pursuant to Rule 61(d)(4), this Court may summarily dismiss a motion for postconviction relief “if it plainly appears from the motion for postconviction relief and the record of prior proceedings in the case that the movant is not entitled to relief.” A movant must support his or her assertions with “concrete allegations of actual prejudice, or risk summary dismissal.”<sup>2</sup>

6. It plainly appears from the motion that Defendant has not shown entitlement to relief. Defendant’s motion is completely conclusory, and Defendant has failed to support his claims with facts. For these reasons Defendant’s motion warrants summary dismissal.

7. For the reasons stated, Defendant’s Motion for Postconviction Relief is **SUMMARILY DISMISSED**.

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<sup>2</sup> *State v. Childress*, 2000 WL 1610766, at \*1 (Del. Super.). *See also, e.g., State v. Miller* 2007 WL 3287943 (Del. Super.).

8. Defendant's Motion for Assistance of Counsel, which was attached to his Motion for Postconviction Relief, is **DENIED**.

9. Defendant through trial counsel filed a Motion to Compel prior to trial relating to a fingerprints on a package containing drugs. This motion was granted on April 27, 2006, prior to trial.<sup>3</sup> Defendant claims that the evidence was never produced by the State and asserts that "this display of Judicial refusal is fraud on the court that produced a Procedural Due Process violation creating a structural defect causing ineffective assistance of counsel." Thus, Defendant's motion is, in essence, an ineffective assistance of counsel claim, which was included in Defendant's Motion for Postconviction Relief. Therefore, Defendant's Motion to Compel is **DENIED**.

**IT IS SO ORDERED.**

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Richard R. Cooch

oc: Prothonotary  
cc: Investigative Services  
Andrew J. Vella, Esquire, Deputy Attorney General  
Jerome G. Sullins

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<sup>3</sup> Order granting mot. to compel, D.I. 24.