

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE
IN AND FOR NEW CASTLE COUNTY

STATE OF DELAWARE)	
)	
)	I.D. No. 30900552DI
v.)	
)	
MONROE LAWS)	
)	
Defendant)	

Submitted: July 9, 2009
Decided: September 14, 2009

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

ORDER

Richard G. Andrews, Esquire, State Prosecutor, Department of Justice,
Wilmington, Delaware, Attorney for the State.

Monroe T. Laws, Smyrna, Delaware, *pro se*.

COOCH, J.

This 14th day of September, 2009, upon consideration of Defendant's
Fourth Motion for Postconviction Relief, it appears to the Court that:¹

1. On March 15, 1989, Defendant was indicted on three counts of
Unlawful Sexual Intercourse First Degree (11 Del. C. § 775). Defendant

¹ The facts and procedural history in section 1 are quoted verbatim from *State v. Laws*,
2008 WL 1952158 (Del. Super).

pleaded not guilty to the charged offenses. After a jury trial on September 11, 1989, Defendant was convicted of all three counts of Unlawful Sexual Intercourse First Degree. At sentencing, the Court imposed a life sentence for each of the three counts of Unlawful Sexual Intercourse First Degree, with the first twenty years of Defendant's sentence on each count being mandatory.

Subsequently, Defendant filed a Notice of Appeal to the Delaware Supreme Court, raising two issues in his brief: 1) that Defendant's confession was involuntary because he was under the influence of crack cocaine; and 2) that Defendant's confession was involuntary because he was denied the right to counsel. Defendant raised another issue *pro se* (after his attorney had filed a motion to withdraw), alleging that there was insufficient evidence to support the conviction. On April 17, 1990, the Supreme Court affirmed Defendant's conviction holding that "it [was] manifest on its face that the appeal [was] wholly without merit."²

After losing his appeal to the Delaware Supreme Court, Defendant filed a writ of habeas corpus with the United States District Court for the District of Delaware. On December 9, 1995, the District Court dismissed with prejudice Defendant's writ, finding that Defendant had failed to exhaust

² *Laws v. State*, 1990 WL 72597, at *2 (Del. Supr.) (affirming Defendant's conviction).

all his Delaware State Court remedies prior to filing his writ in federal court.³

On March 9, 1995, Defendant filed a *pro se* Motion for Postconviction Relief in this Court, pursuant to Superior Court Criminal Rule 61. Defendant alleged as grounds: 1) “the non-suppression of coercive statements that were not relevant to questions that were being asked”; 2) “denial of Miranda rights”; 3) “lack of evidence on which to convict”; and 4) “ineffective assistance of counsel.”⁴ Since the Delaware Supreme Court had already addressed and rejected Defendant’s first three grounds in Defendant’s direct appeal, this Court held that Defendant was procedurally barred from raising those grounds by Superior Court Criminal Rule 61(i)(4).⁵ The Court held that Defendant’s final claim of “ineffective assistance of counsel” was also procedurally barred, since it had been filed outside the three-year limitation period of Rule 61(i)(1).⁶

On May 25, 2000, Defendant, through counsel, filed a second Motion for Postconviction Relief in this Court. Defendant again raised ineffective assistance of counsel grounds for the motion, and argued that his claim should not be precluded by the procedural bars of Rule 61, since, he argued,

³ *Laws v. Snyder*, 1996 WL 484835 (D. Del. Feb. 9, 1995).

⁴ *State v. Laws*, 1995 WL 411710, at *1 (Del. Super.) (denying Defendant’s first petition for postconviction relief on procedural grounds).

⁵ *Id.*

⁶ *Id.* at *2.

the claim fell under the “interest of justice” exception of rule 61(i)(4), and the “fundamental fairness” exception of 61(i)(5).⁷ Nonetheless, the Court found Defendant’s arguments for the applicability of these exceptions to be without merit, and denied Defendant’s motion as procedurally barred by the time limitations of Rule 61(i)(1).⁸

2. On March 7, 2008, almost 18 years after judgment against him became final, Defendant filed a third motion for postconviction relief. Defendant claimed that the indictment was defective because it “failed to allege[] the means by which intercourse occurred as would enable the accused to prepare his defense.”⁹ Once again, Defendant contended that the “fundamental fairness” exception of 61(i)(5) applied and alleged that a “fundamental miscarriage of justice will result if the court does not review the fatal defect in the indictment”¹⁰ Despite the Defendant’s allegations, the Court again held that claim was procedurally barred by Rule 61(i)(1) and held that Defendant failed to make a “colorable claim” that the narrow exception of 61(i)(5) applied.¹¹

⁷ *State v. Laws*, 2001 WL 38788, at *2 (Del. Super.) (denying Defendant’s second petition for postconviction relief on procedural grounds).

⁸ *Id.*

⁹ *State v. Laws*, 2008 WL 1952158, at *2 (Del. Super.).

¹⁰ *Id.*

¹¹ *Id.*

3. Defendant now has filed a Fourth Motion for Postconviction Relief on July 9, 2009. In the instant motion, Defendant alleges three grounds for relief, similar to allegations in previous motions: (1) that “Prosecution failed to comply with the movants requests for discovery material and inspection of Brady material along with information subject to disclosure pursuant to Jencks Act”; (2) “[t]he Prosecution failed to make available information subject to disclosure upon the request of the movant involving reports of medical examinations and scientific tests conducted by the states expert witnesses”; (3) “[t]he Prosecution failed to turn over the Police reports, [t]he names of all witnesses and all expert witness-statements”¹² Defendant contends, once again, that the “fundamental fairness” exception of 61(i)(5) applies because “the movant [is] indigent and pro se” and “not trained at law.”¹³

4. The Court need not address the merits of Defendant’s claims because once again Defendant has failed to overcome the procedural requirements of Superior Court Criminal Rule 61.¹⁴ Rule 61(i)(1) provides that “[a] motion for postconviction relief may not be filed more than three years after the

¹² Mot. for Postconviction Relief at 3.

¹³ *Id.*

¹⁴ *Bailey v. State*, 588 A.2d 1121, 1127 (Del. 1991) (stating the court must first apply the procedural bar under Rule 61 before considering the merit of any claim); *Younger v. State*, 580 A.2d 552, 554 (Del. 1990) (same).

judgment of conviction is final . . .” However, the procedural bar of Rule 61(i)(1) may be overcome by Rule 61(i)(5), which provides that:

[t]he bars to relief in paragraph (1) . . . shall not apply to a claim that the court lacked jurisdiction or to a colorable claim that there was a miscarriage of justice because of a constitutional violation that undermined the fundamental legality, reliability, integrity or fairness of the proceedings to the judgment of conviction.

“While [a] ‘colorable claim’ does not necessarily require a conclusive showing of trial error, mere ‘speculation’ that a different result might have obtained certainly does not satisfy the requirement.”¹⁵

Defendant’s convictions became final on May 11, 1990, upon the issuance of the Supreme Court’s mandate. Defendant filed this motion more than 19 years after his final conviction, and is forced rely on one of the exceptions for his claim to be decided by this court. Defendant again attempts to argue that the “fundamental fairness” exception of 61(i)(5) applies.

However, once again, the Court finds the exception does not apply to Defendant’s claims. The exception is a narrow one and has only been applied in limited circumstances.¹⁶ Once again, Defendant has failed to present a “colorable claim” claim for relief and has only speculated that a

¹⁵ *State v. Getz*, 1994 WL 465543, at *11 (Del Super.) (finding no exception under Rule 61(i)(5) to the procedural bars of Rule 61).

¹⁶ *State v. Laws*, 1995 WL 411710, at *1 (Del. Super.).

different result might have been obtained. Defendant's claim that his motion should be granted because he is "not trained at law" is insufficient to allege that there was any miscarriage of justice or any reason why Defendant did not include the present allegations in previous filings with this Court.

5. For the reasons stated, Defendant has failed to allege any appropriate basis for relief and is barred by the procedural requirements of Superior Court Criminal Rule 61. As such, Defendant's Fourth Motion for Postconviction Relief is **SUMMARILY DISMISSED**.

IT IS SO ORDERED

Richard R. Cooch, J.

oc: Prothonotary
cc: Investigative Services