



On October 30, 2002 a Superior Court jury convicted Damone E. Flowers of First Degree Murder and Possession of a Firearm During the Commission of a Felony. On April 25, 2003 defendant was sentenced to life imprisonment with no benefit of probation or parole and ten years at level V, three years of which is a minimum mandatory period of incarceration for the PFDCF charge.

The Delaware Supreme Court affirmed the conviction on August 31, 2004. This Court denied Flowers' Motion for Postconviction Relief on June 27, 2005.

On May 12, 2010, Flowers filed this "Motion to Compele (*sic*) Production of Brady Materials" requesting the Court order Eugene J. Maurer, Flowers' attorney at trial, either produce: two taped statements allegedly provided to Maurer by the State shortly before the trial; or, provide a reason for their absence.

Rule 61 of the Delaware Superior Court Rules of Criminal Procedure outlines a procedure for a criminal defendant in custody to "set aside a judgment of conviction or a sentence of death on the ground that the court lacked jurisdiction or on any other ground that is a sufficient factual and legal basis for a collateral attack upon a criminal conviction or a capital

sentence.”<sup>1</sup> A Motion for Postconviction Relief must specify “all the grounds for relief which are available to the movant and of which the movant has or, by the exercise of reasonable diligence, should have knowledge, and shall set forth in summary form the facts supporting each of the grounds thus specified.” Flowers’ Motion does not comport with the requirements for a Motion for Postconviction Relief.

The Superior Court Rules of Criminal Procedure do not provide another avenue for Flowers’ to present a stand-alone motion not part of a pending proceeding. Because Flowers’ Motion is not related to an issue currently before the Court, the Court finds that it does not have jurisdiction to hear this claim. Therefore, Flowers is procedurally barred from presenting this Motion at this time.

**THEREFORE**, Defendant Damone Flowers’ Motion to Compel Production of Brady Materials is hereby **DENIED**.

**IT IS SO ORDERED.**

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The Honorable Mary M. Johnston

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<sup>1</sup> Super. Ct. Crim. R. 61(a)(1).