IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

IN AND FOR NEW CASTLE COUNTY

STATE OF DELAWARE	)	
v.	)	I.D. No. 9904019648
ADRIANNE R. YOUNG	)	

Submitted: February 28, 2003
Decided: April 9, 2003

OPINION

Upon Defendant's Motion for Postconviction Relief. Motion Denied.

Appearances:

Adrianne R. Young, *pro se*, 660 Baylor Blvd., New Castle, Delaware.

Steven P. Wood, Esquire, and Allison L. Peters, Esquire, Deputy Attorney Generals, Wilmington, Delaware, for the State.

JOHN E. BABIARZ, JR. Judge

This is the Court's decision on Defendant Adrianne Young's motion for postconviction relief, filed pursuant to Super. Ct. Crim. R. 61 ("Rule 61). For the reasons explained below, Defendant's motion is denied.

FACTS

In April 1999, Young was arrested for the murder of William J. McGinley. She was charged with two counts of Murder first degree, Robbery first degree, and several weapons charges. The State sought the death penalty. At trial, Defendant took the stand and described the events of the night in question. The evidence showed that on the night of the murder, Defendant went to the victim's house armed with a gun, knowing full well that he wanted to have sex with her. Defendant was aware that the victim often had large sums of money in his home, and she expressed her intention to rob him because she was suffering severe economic hardship at the time. Defendant claimed that she was acting under extreme emotional distress at the time of the murder because of both her financial problems as well as an alleged rape that had occurred when she was approximately 11 years old. Following lengthy deliberations, the jury announced that it was hopelessly deadlocked.

In preparation for the second trial, the Court held a hearing to determine whether Defendant was suffering from a psychiatric disorder which rendered her

mentally ill at the time of the offense in accordance with Del. Code Ann. tit. 11, § 408(a). Based on the testimony of Carol Taviani, M.D., Defendant's psychiatrist, the Court determined that Defendant suffered from clinical depression and that she therefore qualified to enter a plea of guilty but mentally ill. In exchange, the State withdrew its petition for the death penalty. After conducting a colloquy with Defendant to determine whether she was entering the plea knowingly, voluntarily and intelligently, the Court accepted the plea agreement and subsequently sentenced Defendant to life in prison.

Defendant has filed a motion for postconviction relief, alleging newly discovered evidence and ineffective assistance of counsel. The Court gave Defendant the opportunity to provide evidence to support her assertions, and also requested an answer from the State and an affidavit from defense counsel.[1] Defendant received copies of the additional materials but did not submit a reply.[2]

DISCUSSION

Young argues that she has newly discovered evidence that she had had a

[1]The Court has discretion to order the State to answer the motion and to expand the record to include other relevant additional materials. Rule 61(f)(g).

[2]Rule 61 (f)(3), (g)(3) provides that the movant may reply to the expanded record.

miscarriage in April 1999 was suffering from postpartum psychosis at the time of the murder. Affording her a certain leeway because she is a *pro se* litigant,[3] the Court infers that Young suggests that if this information had been known, she would have gone to trial and asserted an insanity defense. For this reason, she now seeks to withdraw her guilty plea and to proceed with a new trial. Although this issue is procedurally barred because Defendant failed to raise it at any earlier stage of the proceedings,[4] this Court has previously considered postconviction claims of newly discovered evidence pursuant to Rule 61(i)(5) as a possible foundation for a colorable claim that there was a miscarriage of justice.[5]

To warrant a new trial on grounds of newly discovered evidence pursuant to Super.Ct.Crim.R. 33, Defendant must show that the newly discovered evidence is likely to change the result of the proceedings if the plea is allowed to be withdrawn; that the new evidence has been discovered since the proceedings leading to the judgment; and that it could not have been discovered before by the exercise of due

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[3] *Vick v. Haller*, 1987 WL 36716 (Del.Supr.).

[4] Rule 61(I)(3).

[5] *See, e.g., State v. Condon*, Del. Super., I.D. No. 89001750D1, Ableman, J. (March 13, 2003) (ORDER); *State v. Travis*, 1997 WL 719342 (Del. Super.); *Marvel v. State*, 1996 WL 769629 (Del. Super.).

diligence; and that is not merely cumulative or impeaching.[6] Defendant has submitted to the Court articles on the nature of postpartum depression and postpartum psychosis, as well as lab tests that show an abnormally high level of prolactin, a hormone which is related to lactation.

Defendant was represented at trial by Raymond Radulski, Esquire, and Dean DelCollo, Esquire. Mr. Radulski has submitted an affidavit averring that he hired both a psychologist and a psychiatrist to examine Defendant and to assist in preparing a mental health defense, if evidence of such existed. These professionals were aware of Defendant's miscarriage in April 1999, as shown by correspondence contained in the record. While both doctors found some indication of mental illness, neither suggested that Defendant suffered from postpartum psychosis. In other words, defense counsel diligently pursued the possibility of a mental illness, the result of which was chronic depression, not postpartum psychosis. Defendant cannot show that the so-called newly discovered evidence could not have been discovered before by the exercise of due diligence.

Nor can Defendant show that a defense of postpartum psychosis would have changed the result of the proceedings, since this defense is generally applicable to the

[6] *State v. Hamilton*, 406 A.2d 879 (Del. Super.1974).

crime of infanticide. It is therefore more likely to be available to a woman who murders her child, not a man whom she robbed after shooting him in the head. As stated in an excerpt on postpartum depression submitted by Defendant in support of her motion:

> Patients suffering from puerperal psychosis [the most severe form of postpartum mood disorders] are severely impaired, suffering from hallucinations and delusions that frequently focus on the infant dying or being divine or demonic. These hallucinations often command the patient to hurt herself or others, placing these mothers at the highest risk for committing infanticide and/or suicide.[7]

Thus, even if there were any evidence that Defendant was suffering from postpartum psychosis, the literature submitted by Defendant shows that the danger would have been to an infant or to Defendant herself. All of the articles emphasize the need to protect mother and child, not a third person. There are no grounds for a new trial on this issue.

Defendant also argues that defense counsel was constitutionally ineffective for failing to raise the issue of postpartum psychosis during the proceedings leading to the plea agreement. For a guilty plea to be withdrawn after sentencing, a defendant

[7] *See* Defendant's Attachments (Oct. 2, 2002) at 2.

has the burden of showing prejudice amounting to manifest injustice."[8] The failure to conduct a proper examination of medical records that would reveal evidence in support of an insanity defense has been held to constitute constitutionally deficient legal assistance.[9] No such dereliction of duty occurred in this case. Two mental health professionals rendered an opinion as to clinical depression, and defense counsel reasonably relied on their opinions in fashioning a defense.

Furthermore, as *Strickland* put it, "a court need not determine whether counsel's performance was deficient before examining the prejudice suffered by the defendant as a result of the alleged performance. . . . If it is easier to dispose of an ineffectiveness claim on the ground of lack of sufficient prejudice, which we expect will often be so, that course should be followed."[10] As explained above, Defendant cannot show that she suffered any prejudice from the lack of a defense based on postpartum psychosis, and her claim of ineffective assistance of counsel therefore fails.

Defendant also argues that because the Court granted the State's motion to

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[8] *Smith v. State*, 451 A.2d 837, 839 (Del. 1982).

[9] *People v. Sims*, 750 N.E.2d 320, 327 (Ill.App.Ct. 2001).

[10] *Strickland v. Washington* 466 U.S. 668, 697 (1984).

preclude the claim of extreme emotional distress as a mitigating circumstance, she was coerced into taking a plea of guilty but mentally ill. However, a claim of coercion during plea bargaining is viable only if the State threatens to take action or takes action that is not legally authorized.[11] Defendant makes no such allegation but implies that she felt that her chances of success at trial were diminished by the Court's ruling.[12] This is confirmed by Mr. Radulski, who states in his affidavit that he discussed the ruling with Defendant and that it was a factor in her decision to take the plea. The Court granted the motion conditionally, leaving the door open for presentation of the relevant evidence at trial. While the Court's ruling may have led Defendant to realize that the odds would be against her if she went to trial, such a realization does not constitute coercion.

CONCLUSION

For all these reasons, Defendant Young's motion for postconviction is denied.

It Is So ORDERED.

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[11] *Turner v. State*, 2002 WL 31796224 (Del. Supr.) (citing *Albury v. State*, 551 A.2d 53, 61 (Del.1988)).

[12] Defendant does not challenge the ruling itself. The evidence did not show that Defendant's conduct before, during or after the crime was consistent with a frenzy of mind, which is the gravamen of a claim of extreme emotional distress. *Boyd v. State*, 389 A.2d 1282, 1286-87 (1978).

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Judge John E. Babiarz, Jr.

Original to Prothonotary
JEB,JR/rmp/bjw