

IN THE SUPREME COURT OF THE STATE OF DELAWARE

JOHN LENOIR,)
) No. 312, 2004
 Defendant Below,)
 Appellant,) Court Below: Superior Court
 v.) of the State of Delaware in
) and for New Castle County
)
 STATE OF DELAWARE,) Cr. A. Nos. IN00-05-1297R1 and
) IN00-05-1768R1
 Plaintiff Below,)
 Appellee.)

Submitted: November 10, 2004

Decided: December 14, 2004

Before **STEELE**, Chief Justice, **HOLLAND** and **RIDGELY**, Justices.

ORDER

This 14th day of December 2004, on consideration of the briefs of the parties, it appears to the Court that:

1. John Lenoir appeals a Superior Court judge's decision denying his motion for postconviction relief. In that motion, Lenoir claimed ineffective assistance of counsel and that his Fifth and Sixth Amendment rights were infringed when the State failed to comply with discovery. Because Lenoir's motion was previously adjudicated in both the Superior Court and in an earlier appeal to this Court, the trial judge correctly found that the motion is procedurally barred under Superior Court Criminal Rule 61(i)(4). Accordingly, we affirm.

2. On December 23, 1999, a payment dispute arose between Lenoir and two attendants at the Community Services Parking Garage in Wilmington. Despite the attendants' protestations, Lenoir left the garage through the entrance lane without paying. As Lenoir left the building, he drove near one of the attendants, causing injuries. After an investigation, Wilmington police arrested Lenoir in May 2000.

3. Following a May 2001 jury trial in the Superior Court, Lenoir was convicted of second-degree assault and second-degree reckless endangering. The jury acquitted him of several misdemeanor charges.¹

4. At trial, the State failed to disclose the existence of a telephone statement taken from Lenoir by Detective Michael Lawson of the Wilmington Police Department. The State conceded that it violated Superior Court Criminal Rule 16 by failing to disclose the statement during discovery.² Lenoir then moved for a mistrial. The trial judge denied the motion and instructed the jury to disregard the State's reference to the telephone conversation between Lenoir and Lawson. After trial, Lenoir filed a motion for a new trial or, in the alternative, a judgment of acquittal. The trial judge denied both motions. On appeal, we

¹ *State v. Lenoir*, Del. Super., I.D. No. 4017842 (May 14, 2002).

² See SUPER. CT. CRIM. R. 16(a) (providing that the State "shall disclose to the defendant . . . any relevant written or recorded statements made by the defendant. . .").

affirmed Lenoir's convictions.³ Lenoir then unsuccessfully sought postconviction relief under Rule 61.⁴ We review the Superior Court's denial of postconviction relief for abuse of discretion.⁵

5. On appeal, Lenoir maintains that the State's failure to disclose his statement to Lawson before trial made his pretrial preparations and strategic decisions meaningless. As a result, Lenoir claims the State deprived him of the effective assistance of counsel. Lenoir also contends that he was forced, in violation of the Fifth and Sixth Amendments, to waive his right against self-incrimination by being forced to testify about the undisclosed statements.

6. Lenoir's arguments have been previously addressed and resolved by this Court on direct appeal. Additionally, these issues were fully litigated in the Superior Court, both during and after trial. Therefore, Lenoir's claim is procedurally barred under Superior Court Criminal Rule 61(i)(4). Under our holding in *Younger v. State*, the trial judge was not required to relitigate Lenoir's previously resolved claims in postconviction proceedings.⁶ We therefore find no abuse of discretion.

³ *Lenoir v. State*, 820 A.2d 372 (Del. 2002).

⁴ *Lenoir*, I.D. No. 4017842 (June 23, 2004) (Letter Op.).

⁵ *Melendez v. State*, 2004 Del. LEXIS 377, citing *Outten v. State*, 720 A.2d 547, 551 (Del. 1998).

⁶ 580 A.2d 552, 556 (Del. 1990), citing *Kuhlmann v. Wilson*, 477 U.S. 436, 445-55 (1986).

NOW, THEREFORE, IT IS ORDERED that the judgment of the Superior Court is **AFFIRMED**.

BY THE COURT:

/s/ Myron T. Steele
Chief Justice