

in declaring Sammons an habitual offender, when the issue of rehabilitation in light of Sammons' organic dysfunctions, was not addressed."¹ The Supreme Court, on March 14, 2013, affirmed Sammons' conviction and sentence.²

3. Defendant filed, *pro se*, a Motion For Postconviction Relief pursuant to Superior Court Criminal Rule 61 and requested the Court to appoint counsel. The Court granted appointment of counsel and a briefing schedule was issued. On November 3, 2014 counsel filed an Amended Motion for Postconviction Relief. Counsel requested the Court schedule an Evidentiary Hearing. In the motion counsel raised the following grounds for relief: (1) trial counsel failed to properly advise Sammons in relation to his rejection of the plea offer; (2) trial counsel failed to limit prior bad acts and for failing to request a limiting instruction; (3) trial counsel failed to move to suppress the identifications of Sammons by Ms. Knepp; (4) failed to call alibi witnesses; (5) Sammons' constitutional right to a fair trial was denied due to the misconduct of a Deputy Attorney General; and (6) Sammons' constitutional right to have a fair trial was denied due to cumulative due process error.

4. The Commissioner denied the request for an Evidentiary Hearing on the nature of the claims. Next, counsel then moved for reconsideration of the denial. The Court ordered trial counsel to supplement the response to the amended motion and allowed the defense and the State to respond.

5. The Court referred this motion and the Motion for Reconsideration to

¹ *Sammons v. State*, 68 A.3d 192 (Del. 2013).

² *Id.* at 194.

State v. Sammons
November 21, 2016
Case I.D. 1107004907

cc: The Honorable Andrea M. Freud
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