

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE  
IN AND FOR KENT COUNTY

|                    |   |                           |
|--------------------|---|---------------------------|
| LEO R. MADDOX,     | : |                           |
|                    | : |                           |
| Plaintiff,         | : | C. A. No. K15C-05-027 JJC |
|                    | : |                           |
| v.                 | : |                           |
|                    | : |                           |
| STATE OF DELAWARE, | : |                           |
|                    | : |                           |
| Defendant.         | : |                           |

**ORDER**

On this 18<sup>th</sup> day of November, 2015, having considered the State of Delaware’s (“State’s”) Motion to Dismiss Leo Maddox’s (“Plaintiff’s”) claims with prejudice, Plaintiff’s written response in opposition, and oral argument on the matter on November 6, 2015, it appears that:

1. Plaintiff alleges in his May 28, 2015 complaint that he was a victim of fraud by the State and the Court when the Court denied his Rule 32(d) and Rule 61 motions to withdraw his guilty plea involving a 2009 arrest and subsequent conviction. The Plaintiff was unsuccessful in both motions. Thereafter, Plaintiff filed a civil action against his attorney with the same allegations raised in these prior criminal motions. That civil action was dismissed by the Court.<sup>1</sup> Allegations in the present action mirror the allegations in the prior criminal proceedings and the more recently dismissed legal malpractice and fraud action against Plaintiff’s attorney.

2. The State moves to dismiss this suit pursuant to Rule 12(b)(6) and also pursuant to the doctrines of *res judicata* and sovereign immunity. Plaintiff’s complaint

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<sup>1</sup> *Maddox v. Collins*, 2015 WL 5786349 (Del. Super. Oct. 5, 2015).

alleges, *inter alia*, fraud by the Court in wrongly deciding the prior matters.

3. Here, the Plaintiff's claim warrants dismissal pursuant to Superior Court Rule 12(b)(6) because it in no way states a cognizable cause of action against the State. Furthermore, as discussed in the Court's decision in companion litigation, the doctrine of sovereign immunity bars Plaintiff's claim.<sup>2</sup> Finally, Plaintiff has litigated this same claim multiple times and is barred pursuant to the doctrine of collateral estoppel and *res judicata*.

4. The Plaintiff is hereby provided notice that the Court will dismiss, *sua sponte*, any further suits involving the same allegations as raised in this matter.

WHEREFORE, it is ordered that Defendant State of Delaware's Motion to Dismiss, with prejudice, is **GRANTED**.

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/s/Jeffrey J Clark

Judge

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<sup>2</sup> *Maddox v. State*, C.A. No. K15C-07-005 (Del. Super. Nov. 17, 2015).