

**IN THE SUPERIOR COURT OF THE STATE OF DELAWARE**

**IN AND FOR KENT COUNTY**

STATE OF DELAWARE	)	
	)	
v.	)	
	)	
JAMAAR S. BANKS	)	ID No. 1211016583
MICHAEL R. BETHARD	)	ID No. 1304009788
HARRY W. BLENDT	)	ID No. 1307025699
JOHN E. BRADLEY	)	ID No. 1211008008
CHRISTOPHER D. BREWER a/k/a	)	
CHRISTOPHER JERNIGAN	)	ID No. 1205008276
WARREN BROOKS	)	ID No. 1110009338
ANTOINE L. BURGESS	)	ID No. 1304022461
CARRIE A. BUTLER	)	ID No. 1204012409
SHON CALDWELL	)	ID No. 1306008038
LEMAR C. CAMPBELL	)	ID No. 1012001879
SHAUN CARPENTER	)	ID No. 0912005873
RICHARD S. CARTER	)	ID No. 1204018496
ROBERTO CHERRICKS	)	ID No. 1212012552
MARK S. COLEMAN	)	ID No. 1304014873
MARVIS COLONA	)	ID No. 1311015254
BRIAN CROSSMAN	)	ID No. 1010009425
BRADLEY A. DAVIS	)	ID No. 1202012547
MYKAL DEMPSTER	)	ID No. 1205019774A
MICHAEL D. DIX	)	ID No. 1306018495
KURT S. DUPREE	)	ID No. 0912010393
ABBYDALE N. FINNEY a/k/a	)	ID No. 1211007648
ABBYDALE SEABROOKS	)	
WESLEY J. FISHER	)	ID No. 1110018244
CHRISTOPHER T. FOOTE	)	ID No. 1210028521
PATRICK R. FURBECK	)	ID No. 1305018534
SEANNE M. GODWIN	)	ID No. 1008014466
JEREMY GORDY	)	ID No. 1311003205
JERRI GREEN	)	ID No. 1304014924
QUAHEEM HALL	)	ID No. 1310003660
JUSTIN HOLDERBAUM	)	ID No. 1204006263

QUAYSHAUN JOHNSON	)	ID No. 1007025439
SAVANNAH JOHNSON	)	ID No. 1303011652
ANTOINE J. JONES	)	ID No. 0810005948
ASHTON D. JORDAN	)	ID No. 1303009650
DAVID KING	)	ID No. 0912001839
DESTINY G. LABERGE	)	ID No. 1208006617
KELLY LAWLOR	)	ID No. 1304023378
DASHERE LEWIS	)	ID No. 1103018539
DOMINICK LITTLE	)	ID No. 1305012566
CHARLES L. LIVINGSTON	)	ID No. 1109010352
CRYSTAL LYSINGER	)	ID No. 1212012158
MARK MARTIN	)	ID No. 1305024514
NICK MARTINEZ	)	ID No. 1309011710
DWAYNE N. MATTHEWS	)	ID No. 1210000641
MICHAEL D. MESSICK	)	ID No. 1306000151
JEROME A. MILLER	)	ID No. 1211017948
RODNEY L. MILLER	)	ID No. 1208012411
JAMES MOSES	)	ID No. 1303014531
ELLIOTT OWENS	)	ID No. 0905018717
KYE PABON	)	ID No. 1306024965
EDWARD J. POTTS	)	ID No. 1003022526
DEVRON POWELL	)	ID No. 1209014758
STEPHONE POWELL	)	ID No. 1205007336
CORY PRICE	)	ID No. 1304020013
DAVID A. RANSHAW	)	ID No. 1307023483
MICHAEL A. RATLEDGE	)	ID No. 1212013114
ELWOOD J. ROSS	)	ID No. 1012018727
EDWIN A. SANTIAGO	)	ID No. 1302015909
TYRONE N. SAYLES	)	ID No. 1205012091
ADAM SCOTT	)	ID No. 1111006658
ALPHONSO SIMMONS	)	ID No. 1303023438
SAMUEL SMITH	)	ID No. 1302018753
KINON D. TEAT	)	ID No. 0909012957
ANTHONY TROWER	)	ID No. 1309013276
JAQUITA P. TURNAGE	)	ID No. 0911004091
TAQUION TURNER	)	ID No. 1310001534
ALLEN WILLIAMS	)	ID No. 1309013336

ASHMERE WRIGHT ) ID No. 1212013498  
DEMETRIUS M. WRIGHT ) ID No. 1312012266

## ORDER

Upon consideration of the captioned cases' Motion for Reargument, the State's opposition and the record in this case, it appears to the Court that:

1. On April 20, 2015, the Court entered judgment against the captioned cases, denying their individual Motion(s) for Postconviction Relief. The captioned cases timely filed this motion thereafter.<sup>1</sup>
2. A motion for reargument seeks reconsideration of findings of fact, conclusions of law, or judgments of law.<sup>2</sup> A motion for reargument will be denied unless the moving party has demonstrated that the Court has "overlooked a controlling precedent or legal principles, or the Court has misapprehended the law or facts such as would have changed the outcome of the underlying decision."<sup>3</sup> Specifically, "[a] motion for reargument should not be used merely to rehash the arguments already decided by the Court, nor will the Court consider new arguments that the movant could have previously raised."<sup>4</sup>
3. With the exception of the argument that the Court reconsider its decision in the interest of justice in light of newly discovered evidence, the issues raised in the captioned cases' Motion for Reargument were considered by the Court in making its

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<sup>1</sup> Defense counsel chose 68 out of the 117 originally subject to this Order to seek reargument.

<sup>2</sup> *Hessler, Inc. v. Farrell*, 260 A.2d 701, 702 (Del. 1969).

<sup>3</sup> *First Bank of Delaware, Inc. v. Fidelity and Deposit Co. of Maryland*, 2013 WL 6407603 at \*1 (Del. Super. Dec. 4, 2013).

<sup>4</sup> *Id.*

original decision. Like the recent decision in *Carrero v. State*,<sup>5</sup> there is no evidence that the drugs in these cases were compromised. Similar to *Carrero*<sup>6</sup> and *Brown*,<sup>7</sup> in each of these cases, a knowing, intelligent and voluntary guilty plea waived any right to test the chain of custody of the drug evidence.

4. As to the captioned cases' newly discovered evidence argument, the alleged wrongdoing<sup>8</sup> is far less egregious than the alleged conduct of the original bad actors— which this Court's April 20, 2015 Order has already explained has no bearing on the binding effect of the captioned cases' knowing and voluntary guilty pleas. Similar to the conduct of the original bad actors, the newly discovered bad acts do not warrant a finding of actual or presumptive involuntariness of the captioned cases' guilty pleas. Unless, of course, there is evidence of a different factual scenario like the one suggested in *Brown v. State*,

where a defendant entered a reluctant, but fully informed, no contest or guilty plea to lesser charges with no prison sentence to avoid the risk of a lengthy prison sentence on more serious charges, while proclaiming his factual innocence and expressing incredulity that the substance he claimed was legal had tested to be illegal narcotics, a later revelation that evidence planting had occurred in the relevant police department

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<sup>5</sup> *Carrero v. State*, 2015 WL 3367940 (Del. May 21, 2015).

<sup>6</sup> *Id.*

<sup>7</sup> *Brown v. State*, 108 A.3d 1201 (Del. 2015).

<sup>8</sup> The captioned cases point to a chemist at the Division of Forensic Science who has worked on numerous cases at the OCME, has— since October 2014— “received three corrective action reports due to missing evidence, mishandling of evidence and discrepancies in reported evidence.”

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and that the defendant had been one of the victims of that misconduct,...<sup>9</sup>

The captioned cases' newly discovered evidence fails to put forth any such evidence. Accordingly, this Court's original Order controls.

5. Since the captioned cases' have not met the standard for granting a motion for reargument, the motion is **DENIED**.

/s/ William L. Witham, Jr.  
Hon. William L. Witham, Jr.  
Resident Judge

Dated: June 17, 2015

WLW/dmh

oc: Prothonotary  
cc: Elizabeth R. McFarlan, Esquire  
Kathleen M. Jennings, Esquire  
Stephen R. Welch, Jr., Esquire  
J. Brendan O'Neill, Esquire  
Elliot Margules, Esquire  
Nicole M. Walker, Esquire  
William T. Deely, Esquire

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<sup>9</sup> *Brown*, 108 A.3d at 1202.