

SUPERIOR COURT
OF THE
STATE OF DELAWARE

E. SCOTT BRADLEY
JUDGE

SUSSEX COUNTY COURTHOUSE
1 The Circle, Suite 2
GEORGETOWN, DE 19947

May 24, 2006

Phyllis Drummond

Baylor Women's Correctional Institution
660 Baylor Boulevard
New Castle, DE 19720

RE: State of Delaware v. Phyllis Drummond
Def. ID # 0311018699A

Date Submitted: March 2, 2006

Dear Ms. Drummond:

This is my decision on your motion for postconviction relief. You were convicted by a jury of Robbery in the First Degree and Wearing a Disguise during the Commission of a Felony. The convictions arose out of your robbery of the Wilmington Trust Bank in Millsboro, Delaware on November 22, 2003. You appealed your convictions to the Supreme Court, which affirmed them on August 24, 2005.¹ You filed your motion for postconviction relief on March 2, 2006. This is your first motion for postconviction relief and it was filed in a timely manner. You allege in your motion that this Court committed an error of law when it (1) denied your motion to suppress, (2) allowed the transcript of your taped statement to be admitted at trial, and (3) denied your motion for judgment of acquittal. You raised these identical issues in your direct appeal to the Supreme Court.²

¹ *Drummond v. State of Delaware*, Del. Supr., No. 530, 2004, Ridgely, J. (August 24, 2005)(ORDER).

²*Id.*

Therefore, you are barred from raising them again under Superior Court Criminal Rule 61(i)(4). However, “this bar to relief does not apply to a colorable claim that there was a miscarriage of justice because of a constitutional violation that undermined the fundamental legality, reliability, integrity or fairness of the proceedings leading to the judgment of conviction.”³ Given that you have not raised any new information to support your arguments, I have concluded that, as a practical matter, there is nothing for me to consider that has not already been considered and rejected by the Supreme Court. Therefore, your motion for postconviction relief is denied.

IT IS SO ORDERED.

Very truly yours,

E. Scott Bradley

cc: Prothonotary’s Office
Carole J. Dunn, Esquire
Peggy J. Marshall, Esquire

³*Outten v. State*, 720 A.2d 547, 556 (Del. 1998), *citing* Super. Ct. Crim. R. 61(i)(5).