

SUPERIOR COURT
OF THE
STATE OF DELAWARE

CRAIG A. KARSNITZ
RESIDENT JUDGE

1 The Circle, Suite 2
GEORGETOWN, DE 19947

April 4, 2024

Allison Lamont Norman
SBI #00359179
James T. Vaughan Correctional
Center
1181 Paddock Road
Smyrna, DE 19977

Re: *State of Delaware v. Allison L. Norman*
Def. ID# 0504005647A
Second Motion for Postconviction Relief (R-2)
Motion for Modification or Reduction of Sentence
Motion for Appointment of Counsel

Dear Mr. Norman:

On June 21, 2007, you were convicted by a jury of First Degree Murder, two counts of Attempted First Degree Murder, three counts of Wearing Armor during the Commission of a Felony, three counts of Possession of a Firearm during the Commission of a Felony, and Theft over \$1,000.

On September 28, 2007, you were sentenced to death plus 145 years at Level 5. On consolidated automatic and direct appeal, on June 16, 2009, the Delaware Supreme Court affirmed in part, reversed in part, and remanded. The Supreme Court

mandate was issued on July 7, 2009. On remand, the State elected not to pursue the death penalty, and on July 31, 2009, you were sentenced to life in prison without probation or parole plus 131 years at Level 5.

On June 7, 2010, you filed your first *pro se* Rule 61 Petition. Trial Counsel and Appellate Counsel Affidavits were filed, and an evidentiary hearing was held. You had a very difficult relationship with your court appointed Postconviction Counsel. This Court took the extraordinary step of directing you to file whatever Amended Rule 61 Petition you thought was appropriate, and directing Postconviction Counsel to simultaneously file whatever Rule 61 Petition he thought was appropriate. The Amended Rule 61 Petitions were filed on November 17, 2011. Your Rule 61 Petition contained ten (10) grounds for relief. Postconviction Counsel's Rule 61 Petition contained four (4) grounds for relief. On April 18, 2012, you filed a Memorandum of Law in support of your Amended Rule 61 Petition. On March 6, 2013, this Court denied both of the Rule 61 Petitions on all grounds. The Delaware Supreme Court affirmed this denial on January 17, 2014.

You have also filed a Federal habeas corpus petition, which was denied.

On January 12, 2024, you filed a Motion for Modification or Reduction of Sentence and a Motion for the Appointment of Counsel. On February 5, 2024, you

filed your second Rule 61 Motion. This is my decision on all three Motions.¹

In your second Rule 61 Petition, you essentially state one ground for relief: that the State of Delaware was constitutionally required under the Full Faith and Credit Clause of the United States Constitution to recognize the State of Maryland's finding of your "lack of criminal responsibility" for an unadjudicated homicide that occurred in Maryland as part of "a course of conduct/multiple killings" which included both a Maryland homicide and a Delaware homicide, and that, in failing to do so, deprived you of certain constitutional rights under the Sixth, Eighth, and Fourteenth Amendments to the United States Constitution. You also assert that you have been hindered in pursuing your constitutional rights by the Delaware Department of Correction, which confiscated your legal materials after the February 2, 2017 riot at the James T. Vaughan Correctional Center.

Before addressing the merits of your Rule 61 Motion, I must first address the four procedural bars of Superior Court Criminal Rule 61(i).² If a procedural bar exists, as a general rule I will not address the merits of the postconviction claim.³

¹ I note that you sent a letter dated July 26, 2023, to Superior Court President Judge Jan Jurden concerning your case, which was filed with this Court on March 27, 2024. This letter has been placed in the case file.

² *Ayers v. State*, 802 A.2d 278, 281 (Del.2002) (citing *Younger v. State*, 580 A.2d 552, 554 (Del. 1990).

³ *Bradley v. State*, 135 A.3d 748 (Del 2016); *State v. Page*, 2009 WL 1141738, at*13 (Del. Super. April 28, 2009).

Under the Delaware Superior Court Rules of Criminal Procedure, a motion for post-conviction relief can be barred for time limitations, successive motions, procedural default, or former adjudication.⁴

First, a motion for postconviction relief exceeds time limitations if it is filed more than one year after the conviction becomes final, or if it asserts a retroactively applicable right that is newly recognized after the judgment of conviction is final, more than one year after the right was first recognized by the Supreme Court of Delaware or the United States Supreme Court.⁵ Your conviction became final for purposes of Rule 61 on July 7, 2009, the date on which the Delaware Supreme Court issued its mandate finally determining your case on direct review.⁶ You filed your second Petition long after this one-year period had run. Therefore, consideration of your Rule 61 Motion is procedurally barred by the one-year limitation.

Second, second or subsequent motions for postconviction relief shall be summarily dismissed, unless you were convicted after a trial and the motion either pleads with particularity that either (i) new evidence exists that creates a strong inference of actual innocence in fact, or (ii) a new rule of constitutional law, made retroactive by the United States Supreme Court or the Delaware Supreme Court,

⁴ Super. Ct. Crim. R. 61(i).

⁵ Super. Ct. Crim. R. 61(i)(1).

⁶ Super. Ct. Crim. R. 61(m)(2).

applies to your case and renders your conviction invalid.⁷ This is your second Rule 61 Petition. Neither of these two conditions applies. Therefore, consideration of your Rule 61 Petition is procedurally barred by this provision.

Third, grounds for relief “not asserted in the proceedings leading to the judgment of conviction” are barred unless the movant can show “cause for relief from the procedural default” and “prejudice from a violation of [movant’s] rights.”⁸ You do not assert new grounds for relief in your second Rule 61 Motion that were not asserted in the proceedings leading to your conviction. Thus, this bar is inapplicable in this case.

Fourth, grounds for relief formerly adjudicated in the case, including “proceedings leading to the judgment of conviction, in an appeal, in a post-conviction proceeding, or in a federal habeas corpus hearing” are barred.⁹ Your claims with respect to the differences in law between the Maryland defense of “lack of criminal responsibility” and the Delaware defenses of “not guilty by reason of insanity” and “guilty but mentally ill” have already been exhaustively litigated and adjudicated at your trial, in your first Rule 61 Petition, and in your Federal habeas corpus proceeding.

⁷ Super. Ct. Crim. R. 61(i)(2); Super. Ct. Crim. R. 61(d)(2)(i) and (ii).

⁸ Super. Ct. Crim. R. 61(i)(3).

⁹ Super. Ct. Crim. R. 61(i)(4).

You cannot use a second Rule 61 Petition as a vehicle to relitigate these issues. Your ground for relief is barred by this provision.

Finally, the four procedural bars do not apply to a claim that pleads with particularity that either (i) new evidence exists that creates a strong inference of actual innocence in fact, or (ii) a new rule of constitutional law, made retroactive by the United States Supreme Court or the Delaware Supreme Court, applies to your case and renders your conviction invalid.¹⁰ You make no such pleadings, thus this exception does not apply.

I find that, based on your Petition and my thorough review of the record of the prior proceedings in this case, you are not entitled to relief. I am therefore entering an order for summary dismissal under Rule 61.¹¹

Your Rule 61 Petition is **DENIED**.

In your lengthy Motion for Modification or Reduction of Sentence, which discusses changing scientific and societal attitudes towards sentences of life without parole for murder convictions, you ask me to reduce your sentence from life to not less than fifteen (15) years. You also ask me to excuse your lengthy delay in filing your Motion, since Delaware Criminal Rule 35(b) requires that such a motion be

¹⁰ Super. Ct. Crim. R. 61(i)(5); Super. Ct. Crim. R. 61(d)(2)(i) and (ii).

¹¹ Super. Ct. Crim. R. 61(d)(5).

filed within 90 days after sentence is imposed.¹² However, you have stated no compelling or extraordinary legal or other reasons for me to do so, and I decline to do either.

Your Motion for Modification or Reduction of Sentence is **DENIED**.

Finally, in your Motion for Appointment of Counsel, you assert that you require the services of a court appointed attorney to assist you with your Rule 61 Motion and your Motion for Reduction of Sentence. Since I have denied both of these other Motions, this Motion is moot.

Your Motion for Appointment of Counsel is **DENIED**.

IT IS SO ORDERED.

Very truly yours,

/s/Craig A. Karsnitz
Craig A. Karsnitz, Resident Judge

cc: Prothonotary

¹² Super. Ct. Crim. R. 35(b).