

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

STATE OF DELAWARE,)
)
 v.) I.D. # 1707020603
)
 DRYBURGH JONATHAN,)
)
 Defendant.)

Submitted: May 29, 2024
Decided: July 17, 2024

**ORDER DENYING DEFENDANT’S
MOTION FOR DISCOVERY AND INSPECTION**

Upon consideration of Defendant Jonathon Dryburgh’s (“Dryburgh”) Motion for Discovery and Inspection (the “Discovery Motion”), the Court finds the following:

1. On March 15, 2018, Dryburgh pled guilty to Attempted Murder First, Robbery Second, Possession of a Firearm During the Commission of a Felony, Resisting Arrest, and Possession of a Firearm by a Person Prohibited.¹ On July 13, 2018, he was sentenced to 31 years (unsuspended time) at Level V, followed by decreasing levels of supervision.²

2. On December 26, 2018, Dryburgh filed a Motion for Postconviction Relief under Superior Court Criminal Rule 61.³ An April 30, 2019 Commissioner’s

¹ D.I. 13.

² D.I. 16.

³ D.I. 17.

Report and Recommendation, recommended that the motion for postconviction relief be denied. By Order dated May 16, 2019, the Court adopted the Commissioner's Report and denied the postconviction motion.⁴

3. Dryburgh filed his Discovery Motion⁵ on May 29, 2024, pursuant to Superior Court Criminal Rule 16, seeking production of a broad array of materials. The Discovery Motion lists 8 categories of documents Dryburgh seeks: all written and recorded statements or confessions made by Dryburgh; a written statement relating to the substance of oral statements made by him; written reports from any physical or psychological examinations of him or any alleged victims; grand jury testimony by Dryburgh; executed search warrants; a copy of his prior criminal record; and all *Brady* material.⁶ Dryburgh does not provide any explanation for the need for this information or a legal basis upon which he is entitled to such information at this stage.

4. “Superior Court Criminal Rule 16 applies to pre-trial discovery and does not afford relief to a Defendant post-sentencing.”⁷ “Nowhere in Rule 16 does the duty to provide discovery continue after the conviction has become final.”⁸

⁴ D.I. 26.

⁵ D.I. 27.

⁶ D.I. 27.

⁷ *State v. Daniels*, 2016 WL 6610319, at *3 (Del. Super. Oct. 14, 2016).

⁸ *State v. Schultz*, 2015 WL 4739503, at *2 (Del. Super. July 31, 2015).

5. Accordingly, the Discovery Motion is **DENIED**.

IT IS SO ORDERED.

/s/Kathleen M. Miller

The Honorable Kathleen M. Miller

Original to prothonotary
Matthew Frawley, Esq., Deputy Attorney General
Jonathon Dryburgh SBI# 00860757