

SUPERIOR COURT  
OF THE  
STATE OF DELAWARE

E. SCOTT BRADLEY  
JUDGE

1 The Circle, Suite 2  
GEORGETOWN, DE 19947

April 24, 2013

Phyllis Drummond  
SBI No. 00241930  
Baylor Women's Correctional Institution  
660 Baylor Boulevard  
New Castle, DE 19720

***RE: State of Delaware v. Phyllis Drummond  
Def. ID No. 0311018699A***

Date Submitted: April 5, 2013

Dear Ms. Drummond:

This is my decision on your sixth Motion for Postconviction Relief. You were convicted 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. The Supreme Court affirmed your convictions on August 24, 2005.<sup>1</sup> You were represented by Carole J. Dunn, Esquire at trial. The State was represented by Deputy Attorney General Peggy Marshall, Esquire at trial.

---

<sup>1</sup> *Drummond v. State of Delaware*, 882 A.2d 761, 2005 WL 2475715 (Del. Aug. 24, 2005)(Table).

You have raised seven allegations in support of your sixth Motion for Postconviction Relief. You allege that (1) the Court erred by allowing the transcript of your confession to be admitted at your trial, (2) the prosecutor erred when she told the jury to compare your work and driver's license identification pictures to the image of the robber on the bank videotape, (3) the jury instructions did not include all of the applicable law, (4) the Court allegedly told the jury to be "slightly influenced" by the fact that an information had been filed against you, (5) the prosecutor committed a *Brady* violation because she did not disclose to you that a witness could not identify you, (6) you were prohibited from testifying at the suppression hearing and trial, and (7) your counsel was ineffective for informing you that you would be impeached if you testified and would face up to 25 years in prison. Before addressing your allegations, I must first determine whether there are procedural bars preventing consideration of your allegations.<sup>2</sup> I find all of your allegations in your most recent Motion for Postconviction Relief are procedurally barred by Superior Court Criminal Rule 61(i)(1)-(4). While there are exceptions to these procedural bars, you have not alleged any facts that would entitle you to the benefit of these exceptions. You could have raised all of your claims long before now. You did not. You also did not provide any adequate reason for your failure to raise these claims earlier. The sole

---

<sup>2</sup> *Younger v. State*, 580 A.2d 552, 554 (Del. 1990).

reason you provide now for not raising these claims earlier is your belief that the Court, State, and defense counsel all conspired against you to make you believe everything was proper about your trial. That is conclusory and not sufficient. Therefore, your most recent claims are barred by Superior Court Criminal Rule 61(i)(1)-(4). Your sixth Motion for Postconviction Relief is DENIED.

**IT IS SO ORDERED.**

Very truly yours,

*/s/ E. Scott Bradley*

E. Scott Bradley