IN THE SUPERIOR COURT FOR THE STATE OF DELAWARE

STATE OF DELAWARE,	)	
	)	
	)	
v.	)	
	)	**I.D. Nos. 2405012838;**
	)	**2502010098**
DERRICK GRANT-HIGGIN,	)	
	)	
Defendant.	)	
	)	
	)	

ORDER

This 21st day of May 2026, the Court enters the following Order:

1. Defendant has filed a motion for post-conviction relief under Rule 61 of the Delaware Rules of Criminal Procedure.[1] In his pro se filing, he alleges only that "my attorney didn't have my best interest at heart and he didn't defend me," and that he was "coerced" by the prosecutor and his attorney to take a plea that he didn't want to take.

2. These pleadings are meager at best. Nonetheless, the Court requested an affidavit from his guilty plea counsel to better gauge exactly what Defendant was complaining about.[2]

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[1] *State v. Grant Higgin*, Superior Court Criminal Docket, ID No. 2405012838, Docket Item (hereinafter "D.I. _") 26.

[2] D.I. 31.

3. Defense counsel has supplemented the record with a detailed affidavit recounting the legal difficulties confronting the Defendant at the time of his plea.[3] He had been indicted in one case for possessing a firearm while prohibited and faced a five-year minimum mandatory sentence.[4] While that case was pending, however, and the Defendant was at liberty, he managed to pick up a second felony case, this time for Reckless Endangering and more firearms charges resulting from a shooting incident at a gas station.[5] The day after that shooting, he apparently got into a police chase because he received additional charges for disregarding a police signal and yet another person prohibited charge, presumably from a firearm recovered after the chase.[6]

4. These additional two charges carried a minimum mandatory of thirteen years and coupled with the five years for Defendant's first set of charges, exposed Defendant to a total minimum of eighteen years Level V time.

5. Defendant's attorney met with him after this third set of charges were filed and Defendant asked about a global resolution of all three sets of charges. Counsel and the prosecution negotiated a deal for nine years in jail: five years for one person prohibited count (even though he clearly had liability for three counts for

[3] D.I. 34.
[4] *Id.*
[5] *Id.*
[6] *Id.*

fifteen years) and four years for a firearm during commission of a felony (even though he had liability for three counts for nine years).[7] Defense counsel also had a substantial "mitigation report" prepared and offered it to the prosecutor to assist in his negotiation with the prosecution.

6. As against this substantial showing of effort put in by his attorney, Defendant's allegations are anemic and unrefined. But rather than summarily dismiss his claims, the Court urged Defendant to sharpen his allegations so the Court could understand what "best interest" the attorney didn't have and what "coercion" was present that isn't present in any case when a prohibited person has three open sets of charges all involving guns.[8] Defendant did not respond to the Court's invitation, thus resting on his original allegations.

7. The Court must remain vigilant that fundamental fairness is honored throughout the process. Rule 61 is designed to give the Court a second look at the process, post-sentencing, to ensure that the rules were followed and the Defendant received constitutionally adequate representation.

8. But the Court's duty is not unilateral. The Court is not duty bound to search the record for issues to contemplate or arguments to consider. The Defendant

[7] *Id.*
[8] D.I. 35.

must make his claims with sufficient particularity and clarity so they can be addressed.

9. Mere conclusory allegations are insufficient to raise a claim under Rule 61.[9] Notwithstanding the conclusory allegations here, Defendant's trial counsel has responded as best he could, leaving the Court with no doubt that Defendant received constitutionally competent representation. Therefore, there is no basis here to afford relief under Rule 61. Motion **DENIED**.

10. Since Defendant has failed to set forth a substantial claim of ineffective assistance counsel or any other "exceptional circumstances" warranting appointment of counsel, his motion for new counsel is also **DENIED**.[10]

IT IS SO ORDERED.

/s/Charles E. Butler
Charles E. Butler, Resident Judge

[9] *See Jordan v. State,* 1994 WL 466142, at *1 (Del. Aug. 25, 1994) (citing *Younger v. State*, 580 A.2d 552, 556 (Del. 1990) ("[Defendant's] allegations are entirely conclusory and thus legally insufficient to prove ineffective assistance of counsel")); *Dawson v. State*, 673 A.2d 1186, 1196 (Del. 1996) ("This Court has held that, for a claim of ineffective assistance of counsel to prevail, the defendant must make concrete allegations of actual prejudice and substantiate them or risk summary dismissal."); *Purnell v. State*, 106 A.3d 337, 342 (Del. 2014) ("Mere allegations of ineffectiveness are not sufficient. Instead, a defendant must allege actual prejudice and substantiate it.")

[10] Super. Ct. Crim. R. 61(e)(3). *See generally Thomas v. State*, 337 A.3d 1215 (Del. 2024); *State v. Grayson*, 2021 WL 1830368 (Del. Super. May 7, 2021), *aff'd*, 258 A.3d 806 (Del. 2021).

cc: Prothonotary
Derrick Grant-Higgin (SBI #00573005)
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