

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

STATE OF DELAWARE,	)	
	)	
Plaintiff,	)	
	)	
	)	Cr. ID No. 1504010863A
	)	
MICHAEL D. BROOMER,	)	
	)	
Defendant.	)	

Submitted: July 2, 2026
Decided: October 15, 2026

**COMMISSIONER’S REPORT AND RECOMMENDATION THAT
DEFENDANT’S FOURTH MOTION FOR POSTCONVICTION RELIEF
SHOULD BE SUMMARILY DISMISSED
AND
DEFENDANT’S MOTION TO TRANSPORT EVIDENCE FOR DEFENSE
FORENSIC TESTING SHOULD BE DENIED**

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Attorney for Defendant Michael D. Broomer

PARKER, Commissioner

For the reasons set forth below, Defendant Michael D. Broomer's fourth motion for Rule 61 postconviction relief should be summarily dismissed, and his motion to transport evidence for defense forensic testing should be denied.

INTRODUCTION

Pending before the Court are two companion motions. In the first motion, Broomer's fourth Rule 61 motion for postconviction relief, Broomer claims that the discovery of a new witness satisfies the actual innocence exception to the procedural bars preventing consideration of this motion on its merits and should result in the reversal of his conviction and a retrial. As to Broomer's second, companion motion, Broomer requests that he be permitted to perform gunshot residue ("GSR") testing on the victim's clothing.

Broomer claims that the testimony of the new witness bolsters his justification defense, and the GSR testing may also bolster his justification defense, in the event that the GSR testing were to provide positive results.¹

In this case, Broomer and his co-defendant Atiba Mayfield were charged with Murder in the First Degree and other related charges in the shooting death of Raekwan Mangrum on April 4, 2015. The State's theory of the case was that

¹ See, D.I. 184, Broomer's Fourth Amended Rule 61 Motion, at * 10-11, 40.

Broomer was the driver of the vehicle and Mayfield was the triggerman that intentionally killed Mangrum in a drive-by-shooting.²

Broomer and Mayfield were tried separately. At Broomer's trial, Broomer did not dispute that he was the driver of the vehicle and that Mayfield was the shooter that shot and killed Mangrum.³ Broomer's defense focused solely on his intent/state of mind at the time his co-defendant shot and killed Mangrum, and his co-defendant's intent/state of mind at the time of the shooting.⁴ Following Mayfield's trial, Mayfield was convicted of Murder in the First Degree and related charges. Following Broomer's trial, Broomer's defense proved to be partially successful. Broomer was found guilty of Murder in the Second Degree and related charges.

Broomer's co-defendant, Mayfield, during briefing on his first Rule 61 motion, located a new witness, Tyrie Burton, who claimed that he had been at the scene of the shooting and his testimony appeared to bolster Mayfield's (and Broomer's) justification/self defense claims. Because the existence of the new witness was raised in Mayfield's first Rule 61 motion, Mayfield was not faced with the same pleading requirements preventing consideration of the claim on its merits as Broomer is now facing in his fourth Rule 61 motion.

² See, August 15, 2016 Trial Transcript, at pgs. 7-9.

³ See, August 15, 2016 Trial Transcript, at pg. 39.

⁴ See, August 15, 2016 Trial Transcript, at pg. 39-47, 77-81.

In Mayfield's first Rule 61 motion, the Superior Court considered the merits of Mayfield's claim and thereafter denied Mayfield's motion finding that the testimony of the new witness was not persuasive.⁵ The Delaware Supreme Court agreed with the Superior Court on Mayfield's appeal.⁶

Broomer now raises the existence of this same witness in his pending fourth Rule 61 motion and claims that the "actual innocence" exception allows him to overcome the procedural bars preventing consideration of this claim on its merits. The actual innocence exception provides that a defendant's second or subsequent Rule 61 motion should not be summarily dismissed if the defendant pleads with particularity that new evidence exists that creates a strong inference that the movant is actually innocent in fact of the acts underlying the charges of which he was convicted.⁷

However, the actual innocence exception cannot be satisfied by new testimony that only bolsters a defendant's justification and/or self-defense claims. To satisfy the actual innocence exception, the new evidence requires more than innocence of intent, it requires a showing that the new evidence is sufficiently

⁵ *State v. Mayfield*, 2025 WL 15104143, *17 (Del.Super.).

⁶ *Mayfield v. State*, 2026 WL 569353 (Del.).

⁷ Super.Ct.Crim.R. 61(d)(2)(i).

persuasive to establish that the State convicted the wrong person. That some person other than the petitioner committed the crime.⁸

Here, Broomer cannot satisfy the actual innocence exception. It was undisputed that the State did not convict the wrong person. It was undisputed that Broomer was the driver of the vehicle, and his co-defendant Mayfield, was the triggerman that shot and killed Mangrum. Broomer's defenses pertained solely to his intent/state of mind at the time of the shooting and that of his co-defendant's. The testimony of the new witness seeks only to bolster Broomer's justification and/or self-defense claims. Broomer seeks to use the new witness to bolster Broomer's defense that he, and his co-defendant, lacked the requisite intent to be convicted of murder at the time of the shooting.⁹

As to Broomer's request to conduct GSR testing on the victim's clothing, the fact that GSR testimony was not performed on the victim's clothing was known to Broomer at the time of his trial in 2016, over 10 years ago. Broomer raised the failure to perform GSR testing on the victim's body and clothing in his first Rule 61 motion, which was decided in 2021,¹⁰ and then again in 2022, in his second Rule 61

⁸ *State v. Riddock*, 2022 WL 17820366, *5 (Del. Super.), *appeal dismissed*, 2023 WL 4875984 (Del.); *State v. Stokes*, 2022 WL 2783813, *3 (Del.); *State v. Taylor*, 2018 WL 3199537, *7 (Del. Super.), *aff'd*, 2019 WL 990718 (Del.).

⁹ See, D.I. 184, Broomer's Fourth Amended Rule 61 Motion, *10-11, 40.

¹⁰ See, *State v. Broomer*, 2021 WL 4987625, *2-5 (Del. Super.), *aff'd*, 2022 WL 3581111 (Del.).

motion.¹¹ The lack of GSR testing of the victim’s clothing is not “new” or “recently discovered.”¹²

Even if the request to perform GSR testing on the victim’s clothing was somehow new or recently discovered (which it is not), Broomer still cannot meet the threshold pleading requirement for proceeding to the merits of this request. Broomer claims that this “new evidence” would further bolster his justification defense, if the testing proved to be positive. But, as previously discussed, “new” evidence proffered to bolster a defendant’s justification defense does not satisfy the actual innocence exception to the pleading requirements.

Broomer has no path forward. It was undisputed that Broomer was the driver and his co-defendant the shooter in the shooting death of the victim. Broomer cannot satisfy the “actual innocence” exception to the pleading requirements for proceeding with these motions. He does not allege, nor could he, that someone other than he and his co-defendant committed the underlying acts in fact for which they were charged. In accordance with the mandates of Rule 61, Broomer’s pending motions should be summarily dismissed as they fail to meet the pleading requirements for proceeding with this successive Rule 61 motion.

¹¹ *State v. Broomer*, 2022 WL 15702802, *1-2 (Del.Super.), *aff’d*, 2023 WL 3067051 (Del.).

¹² *State v. Clay*, 2022 WL 893744, *3 (Del.Super.)(when the alleged newly discovered evidence was already raised in a previously adjudicated postconviction motion, it cannot constitute newly discovered evidence).

FACTS

Until shortly before the homicide which occurred on April 4, 2015, Broomer, his co-defendant Mayfield, the victim Mangrum and another individual Nicodermus Morris were all on good terms.¹³ Two incidents soured the relationships among them. The first incident, which occurred on March 21, 2015, involved an altercation between Mangrum and Mayfield. On that date, all four individuals were riding together around Wilmington in a car jointly owned by Mangrum and Broomer. When they stopped for gas, an argument over who was going to drive started between Mangrum and Mayfield. The argument ended after Mangrum retrieved a .380 handgun and shot Mayfield in the leg.¹⁴

The second incident involved bad blood between Mangrum and Broomer. Prior to Mangrum's homicide, Broomer and Mangrum were arrested on felony drug charges. At their joint trial, days before the homicide, Broomer testified that the drugs were Mangrum's, angering Mangrum and ending their relationship.¹⁵ Mangrum began telling people, including on Facebook, that Broomer was a snitch causing Broomer to be angry in return.¹⁶

¹³ *State v. Mayfield*, 2025 WL 15104143, *3 (Del.Super.), *aff'd*, 2026 WL 569353 (Del.).

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ *State v. Mayfield*, 2025 WL 15104143, *3 (Del.Super.), *aff'd*, 2026 WL 569353 (Del.); *State v. Broomer*, 2021 WL 4987625, *9 (Del.Super.), *aff'd*, 2022 WL 3581111 (Del.).

On April 4, 2015, about an hour before the homicide, Morris saw Broomer at the McDonald's in Wilmington. Morris left the McDonald's to tell Mangrum he had seen Broomer in Wilmington because he knew that there was bad blood between them, that Broomer lived in Bear, Delaware, and that there must be a reason Broomer was in Wilmington.¹⁷

On April 4, 2015, at approximately 6:13 p.m., Wilmington Police Officer Matthew Begany was on patrol, traveling west on 4th Street toward Monroe Street, when he heard what he thought were gunshots.¹⁸ He turned left, which placed him southbound on Monroe Street, and observed a stationary blue Ford Focus vehicle at the end of the alleyway between 2nd and 3rd Streets. Officer Begany saw a man standing on the passenger side of the vehicle firing a gun.¹⁹ As he called for backup, the officer continued southbound toward the vehicle and the man firing the gun. The officer then lost sight of the man firing the gun and the Ford Focus began to travel northbound toward the officer's car. The Ford Focus then suddenly turned onto a sidewalk between two rows of houses.²⁰

At that point, Officer Begany observed two black males in the vehicle and relayed the vehicle's license plate over the radio. Officer Begany then drove down

¹⁷ *State v. Mayfield*, 2025 WL 15104143, *3 (Del.Super.), *aff'd*, 2026 WL 569353 (Del.); *State v. Mayfield*, Criminal ID No. 1504011040A- June 23, 2016 Trial Transcript at pg. 90.

¹⁸ *Broomer v. State*, Del.Supr. No. 562, 2016, Order, Vaughn, J. (October 16, 2017), D.I. 53, at pg. 2.

¹⁹ *Id.*

²⁰ *Id.*

to the alleyway where he had observed the man firing the gun to assess if there was a shooting victim. He observed a man, later identified as Raekwon Mangrum, who had been shot multiple times and a woman who had been shot once in the leg. The woman survived. Mangrum died the next day.²¹

Wilmington Police Officers Brendan Wham and Robert Lynch received Officer Begany's call for backup and headed toward the area in their police vehicle. As they drove toward the scene, Officers Wham and Lynch spotted a blue Ford Focus with a license plate number matching the one relayed by Officer Begany. The situation quickly evolved into a high-speed chase as the Ford Focus made its way onto I-95 North with Officers Wham and Lynch in pursuit, also joined by a host of other Wilmington Police vehicles.²²

The chase continued north across the state line into Pennsylvania, where Pennsylvania State Police successfully deployed "stop sticks" to puncture the tires of the Ford Focus. This caused the Ford Focus to slow, eventually coming to a completed stop. Its occupants abandoned the vehicle and fled on foot. Police quickly apprehended the driver of the Ford Focus, Michael Broomer, and its passenger Atiba Mayfield.²³

²¹ *Id.*

²² *Id.* at 2-3.

²³ *Id.* at 3.

During the chase, Officer Wham observed a handgun being thrown from the passenger side of the Ford Focus. Police recovered a black CZ .40 caliber semi-automatic firearm in the area where Officer Wham saw the weapon thrown. Officers also found a .380 Cobra FS 380 with one spent casing and five rounds of ammunition in an area along the path of the chase. The police recovered a box of .380 ammunition from under the driver's seat of the Ford Focus and a spent shell casing under the passenger side floor mat.²⁴

Both Broomer and Mayfield were charged with Murder in the First Degree, and various other crimes in connection with the shooting death of Mangrum and the shooting of the bystander.

Mayfield's jury trial was held from June 13, 2016 to June 24, 2016.²⁵ At Mayfield's trial, his defense strategy was to claim that this was not a drive-by shooting. He claimed that he was driven by Broomer to meet with Mangrum expecting to have a fistfight. There was scuffling. There was not supposed to be guns. Either Mangrum and/or Morris introduced a gun or guns to the fistfight. Mangrum and/or Morris started shooting first and that Broomer shot back to protect Mayfield.²⁶

²⁴ *Id.*

²⁵ *State v. Mayfield*, Criminal ID No. 1504011040A- D.I. 35.

²⁶ See, *State v. Mayfield*, Criminal ID No. 1504011040A- June 22, 2016 Trial Transcript at pgs. 175-217; June 23, 2016 Trial Transcript at pgs. 112-120.

Mayfield's defense strategy was not successful. Following his nine-day jury trial, a jury convicted Mayfield of Murder in the First Degree, two counts of Possession of a Firearm During the Commission of a Felony ("PFDCF"), Conspiracy First Degree, and Reckless Endangering First Degree.²⁷ The Possession of a Firearm by a Person Prohibited ("PFPBB") charge was severed, and following the jury's verdicts of guilty on all the other charges, the State declined to pursue the PFBPP charge. Mayfield was sentenced on November 4, 2016 to a term of life imprisonment without probation or parole on the murder charge, plus an additional five years at Level V on each of the other charges.²⁸

Broomer's jury trial was held from August 8, 2016 to August 16, 2016.²⁹ At Broomer's trial, Broomer did not contest that he was the driver of the blue Ford Focus and that Mayfield was the shooter that shot and killed Mangrum.³⁰ Broomer's defense strategy was premised solely on the intent/state of mind of Broomer and his co-defendant Mayfield at the time of the shooting.³¹

Broomer's defense strategy proved to be partially successful in that Broomer was not convicted of Murder in the First Degree. Following his seven-day jury trial, a jury found Broomer guilty of Murder in the Second degree, two counts of PFDCF,

²⁷ *State v. Mayfield*, Criminal ID No. 1504011040A- D.I. 35.

²⁸ *State v. Mayfield*, Criminal ID No. 1504011040A- D.I. 42.

²⁹ D.I. 33.

³⁰ August 15, 2016 Trial Transcript, at pgs. 39-47.

³¹ *State v. Broomer*, 2021 WL 4987625, * 4-5 (Del.Super.); August 15, 2016 Trial Transcript, at pgs. 39-47.

and one count of Reckless Endangering in the First Degree. Broomer was sentenced to fifteen years of unsuspended Level V time on the Murder in the Second Degree conviction, plus an additional five years at Level V on each of the other charges.³²

PROCEDURAL HISTORY

Following his convictions, Broomer filed a direct appeal to the Delaware Supreme Court. The Supreme Court affirmed the judgment of the Superior Court in part, and remanded in part, for the Superior Court to complete a *Batson* analysis.³³ On remand, the Superior Court completed its *Batson* analysis and found that Broomer had not carried his burden of proving purposeful discrimination. The Supreme Court affirmed that decision.³⁴

On October 22, 2018, Broomer filed a *pro se* Rule 61 motion for postconviction relief.³⁵ The next day, Broomer's retained counsel entered his appearance to represent Broomer in his Rule 61 proceeding.³⁶ Postconviction counsel filed an amended Rule 61 motion on March 29, 2019.³⁷

In his first Rule 61 motion, through counsel, Broomer raised 21 allegations of ineffective assistance of counsel against trial and appellate counsel. Significant here,

³² D.I. 38 (Sentencing Order).

³³ *Broomer v. State*, Del.Supr. No. 562, 2016, Order, Vaughn, J. (October 16, 2017), D.I. 53.

³⁴ *Broomer v. State*, 2017 WL 5900084 (Del.).

³⁵ D.I. 60.

³⁶ D.I. 63.

³⁷ D.I. 79.

included amongst those claims were claims related to the failure of the State to perform GSR testing of Mangrum's body and clothing.³⁸

Following a full, careful, and thorough review of the record and submissions, the Superior Court found that all of Broomer's claims were without merit.³⁹ On appeal, the Delaware Supreme Court likewise concluded that Broomer's first Rule 61 motion was without merit.⁴⁰

On October 5, 2022, Broomer filed a second Rule 61 motion in which he raised claims of "newly discovered evidence" and several instances of ineffective assistance of counsel.⁴¹ Like in his first Rule 61 motion, Broomer again raised claims related to the failure to perform GSR testing of Mangrum's body and clothing.⁴²

The Superior Court summarily dismissed Broomer's second Rule 61 motion finding that Broomer's claims regarding the lack of GSR testing were already adjudicated in his first Rule 61 motion, and all other claims raised were barred as procedurally defaulted because they were not asserted earlier.⁴³ On appeal, the

³⁸ *State v. Broomer*, 2021 WL 4987625, *2-5 (Del.Super.), *aff'd*, 2022 WL 3581111 (Del.).

³⁹ *State v. Broomer*, 2021 WL 4987625 (Del.Super.).

⁴⁰ *Broomer v. State*, 2022 WL 3581111 (Del.).

⁴¹ D.I. 139.

⁴² *State v. Broomer*, 2022 WL 15702802, *1-2 (Del.Super.).

⁴³ *State v. Broomer*, 2022 WL 15702802, *1-2 (Del.Super.).

Delaware Supreme Court affirmed the summary dismissal of Broomer's second Rule 61 motion.⁴⁴

On October 30, 2023, Broomer filed a Rule 35(a) Motion that was treated as his third Rule 61 motion for postconviction relief.⁴⁵ On November 6, 2023, the Superior Court summarily dismissed Broomer's third Rule 61 motion for failing to satisfy Rule 61's procedural requirements for successive Rule 61 motions.⁴⁶

Broomer also filed a motion for correction of an illegal sentence based on *Erlinger v. United States*,⁴⁷ which was denied by the Superior Court and the denial was affirmed by the Delaware Supreme Court on appeal.⁴⁸

On June 18, 2026, Broomer filed the pending Rule 61 motion, his fourth Rule 61 motion. On July 2, 2026, Broomer filed the pending Motion to Transport Evidence for Defense Forensic Testing seeking to perform GSR testing on Mangrum's clothing.

BROOMER'S PENDING MOTIONS

In Broomer's first pending motion, his fourth Rule 61 motion, Broomer claims that the testimony of a new witness, Tyrie Burton, who was discovered by Mayfield's legal team during briefing on Mayfield's first Rule 61 motion, satisfies

⁴⁴ *Broomer v. State*, 2023 WL 3067051 (Del.).

⁴⁵ D.I. 149 & 150.

⁴⁶ *State v. Broomer*, 2023 WL 7299875 (Del.Super.).

⁴⁷ 602 U.S. 821 (2024).

⁴⁸ *Broomer v. State*, 2026 WL 861635 (Del.).

the actual innocence exception to the procedural bars precluding consideration of this motion on its merits. In the second pending motion, Broomer has requested that he be permitted to conduct GSR testing of Mangrum's clothing, which he claims that, depending on the results of that testing, may also bolster his justification defense.

Broomer's Fourth Rule 61 Motion

This is Broomer's fourth Rule 61 motion. In second or subsequent Rule 61 postconviction motions, the motion shall be summarily dismissed unless the movant can satisfy an exception to the procedural bars.⁴⁹ Here, Broomer claims that a recently discovered witness satisfies the "actual innocence exception" to the procedural bars and that he should therefore be allowed to proceed to the merits of his claim.

The new witness, Tyrie Burton, was located by Broomer's co-defendant, Mayfield, during Mayfield's briefing on his first Rule 61 postconviction motion. Mr. Burton claimed to have been at the scene of the shooting and his testimony appeared to bolster Mayfield's (and Broomer's) justification/self-defense claims.⁵⁰ Because the existence of this new witness was raised in Mayfield's first Rule 61 motion, Mayfield did not have the same pleading requirements preventing

⁴⁹ Super.Ct.Crim.R. 61(d)(2) & (5); and Rule 61(i).

⁵⁰ See, *State v. Mayfield*, 2025 WL 1510143, *17 (Del.Super.), *aff'd*, 2026 WL 569353 (Del.).

consideration of the claim on its merits that Broomer is now facing in this fourth Rule 61 motion.⁵¹

In Mayfield's first Rule 61 motion, the Superior Court considered the merits of Mayfield's claim and thereafter denied Mayfield's motion finding that the testimony of the new witness was not persuasive.⁵² The Delaware Supreme Court agreed with the Superior Court on Mayfield's appeal.⁵³

Broomer now raises the existence of this same witness in his pending fourth Rule 61 motion and claims that the "actual innocence" exception allows him to overcome the procedural bars preventing consideration of this claim on its merits. The actual innocence exception allows a defendant to overcome the procedural bars for proceeding with a second or subsequent Rule 61 motion if the defendant pleads with particularity that new evidence exists that creates a strong inference that the movant is actually innocent in fact of the acts underlying the charges of which he was convicted.⁵⁴

However, the actual innocence exception cannot be satisfied by new testimony that only bolsters a defendant's justification and/or self-defense claims. New evidence seeking to bolster petitioner's claim that he was acting in self-defense

⁵¹ See, Super.Ct.Crim.R. 61(d)(1) & (2).

⁵² *State v. Mayfield*, 2025 WL 15104143, *17 (Del.Super.).

⁵³ *Mayfield v. State*, 2026 WL 569353 (Del.).

⁵⁴ Super.Ct.Crim.R. 61(d)(2)(i).

or that he lacked the requisite intent to be convicted of murder is insufficient to satisfy the actual innocence pleading requirements.⁵⁵

To satisfy the actual innocence exception, the new evidence requires more than innocence of intent, it requires a showing that the new evidence is sufficiently persuasive to establish that the State convicted the wrong person. That some person other than the petitioner committed the crime for which he was charged.⁵⁶

The actual innocence exception is not satisfied when the new evidence only goes to the lack of the requisite intent to commit the crimes.⁵⁷ Actual innocence under Rule 61(d)(2) does not mean that the defendant did not have the necessary state of mind to be convicted of a particular offense. Proving actual innocence requires more than innocence of intent; it requires new evidence that a person other than the petitioner committed the crime.⁵⁸

Here, Broomer cannot satisfy the actual innocence exception. It was undisputed that Broomer was the driver of the vehicle, and his co-defendant

⁵⁵ See, *State v. Taylor*, 2018 WL 3199537, *7 (Del.Super.)(new evidence proving actual innocence requires new evidence that a person other than the movant committed the crime not that the defendant lacked the requisite intent to commit murder), *aff'd*, 2019 WL 990718 (Del.); *State v. Stephenson*, 2024 WL 3634264, *4 (Del.Super.)(new evidence being offered to bolster defendant's defense that he acted in self-defense and that he did not come to the scene with the intent to shoot the victim fails to satisfy the actual innocence test).

⁵⁶ *State v. Riddock*, 2022 WL 17820366, *5 (Del. Super.), *appeal dismissed*, 2023 WL 4875984 (Del.); *State v. Stokes*, 2022 WL 2783813, *3 (Del.); *State v. Taylor*, 2018 WL 3199537, *7 (Del.Super.), *aff'd*, 2019 WL 990718 (Del.).

⁵⁷ *Id.*

⁵⁸ *State v. Taylor*, 2018 WL 3199537, *7 (Del.Super.), *aff'd*, 2019 WL 990718 (Del.).

Mayfield, was the person that shot and killed Mangrum.⁵⁹ Some person other than Broomer did not commit the crime for which he was charged. Broomer's defenses solely pertained to his intent/state of mind at the time of the shooting and that of his co-defendant's.⁶⁰ The testimony of the new witness seeks only to bolster Broomer's justification and/or self-defense claims. Broomer seeks to use the new witness to bolster Broomer's defense that he, and his co-defendant, lacked the requisite intent to be convicted of murder at the time of the shooting.⁶¹

Broomer's "new evidence" claims, proffered to support his argument of innocence of intent to commit the crimes, fail to meet Rule 61's actual innocence exception. Accordingly, Broomer's fourth Rule 61 motion is procedurally barred and should be summarily dismissed.

Broomer's Pending Motion for Forensic GSR Testing

In a companion motion, Broomer has requested that he be permitted to conduct forensic GSR testing of the victim's, Mangrum's, clothing. Broomer claims that this "new evidence" would further bolster his justification defense, if the testing proved to be positive.

First, this "evidence" is not new. Broomer knew that GSR testing had not been performed on Mangrum's body and clothing at the time of his trial in 2016. In

⁵⁹ August 15, 2016 Trial Transcript, at pg. 39.

⁶⁰ See, August 15, 2016 Trial Transcript, at pgs. 39-47, 77-81.

⁶¹ See, D.I. 184, Broomer's Fourth Amended Rule 61 Motion, *10-11, 40.

fact, Broomer raised the lack of GSR testing on Mangrum's body and clothing in his first Rule 61 motion, which was decided in 2021⁶², and then again in 2022, in his second Rule 61 motion.⁶³ This "evidence" is not new or recently discovered. Evidence already raised in a previously adjudicated postconviction motion cannot constitute newly discovered evidence.⁶⁴

Any issues regarding GSR testing on Mangrum's body and clothing are now procedurally barred. Either the claims were already adjudicated in Broomer's direct appeal and/or first Rule 61 motion or are procedurally defaulted because they were not asserted earlier.⁶⁵

In Mayfield's first Rule 61 motion, he requested permission to conduct GSR testing of Mangrum's hands. Mayfield's postconviction counsel requested, and was granted, permission to conduct the GSR testing requested.⁶⁶ Mayfield's postconviction counsel sought extension after extension of the briefing schedule for the submission of Mayfield's first amended Rule 61 motion so that the GSR testing could be completed.⁶⁷ In the end, Mayfield's amended first Rule 61 motion did not contain any reference to the GSR test results performed on Mangrum's body.⁶⁸

⁶² See, *State v. Broomer*, 2021 WL 4987625, *2-5 (Del.Super.), *aff'd*, 2022 WL 3581111 (Del.).

⁶³ *State v. Broomer*, 2022 WL 15702802, *1-2 (Del.Super.), *aff'd*, 2023 WL 3067051 (Del.).

⁶⁴ *State v. Clay*, 2022 WL 893744, *3 (Del.Super.)

⁶⁵ See, *State v. Broomer*, 2021 WL 4987625, *4-5.

⁶⁶ See, *State v. Mayfield*, 2025 WL 1510143, *18 (Del.Super.), *aff'd*, 2026 WL 569353 (Del.).

⁶⁷ *Id.*

⁶⁸ *Id.*

The Superior Court in deciding Mayfield's first Rule 61 motion surmised that either the GSR test results were unfavorable or no GSR testing was done.⁶⁹ The Superior Court in denying Mayfield's Rule 61 motion concluded that in either event the value of the testing for GSR was uncertain. In other words, the utility of GSR testing of Mangrum's hands had not been established.⁷⁰ The Delaware Supreme Court agreed on appeal.⁷¹

Broomer now claims that because Mayfield was permitted to conduct GSR testing in his first Rule 61 motion, Broomer should also be permitted to do so in his fourth Rule 61 motion. Broomer seeks to conduct GSR testing of Mangrum's clothing in this motion. Unlike Mayfield, Broomer did not request to conduct GSR testing of Mangrum's body or clothing in his first Rule 61 motion, even though he knew that the testing had not been performed at the time he filed his first Rule 61 motion in 2019. Broomer did, in fact, raise claims in his first Rule 61 motion related to the lack of GSR testing of Mangrum's body and clothing.

This is now Broomer's fourth Rule 61 motion. The pleading requirements for proceeding to the merits of a fourth Rule 61 motion are different from those in a first Rule 61 motion. The fact that Mayfield was permitted to conduct GSR testing in his

⁶⁹ *Id.* * 18-19.

⁷⁰ *Id.*

⁷¹ *State v. Mayfield*, 2025 WL 1510143, *18-19 (Del.Super.), *aff'd*, 2026 WL 569353 (Del.).

first Rule 61 motion has no bearing on Broomer's entitlement to conduct GSR testing in his fourth Rule 61 motion.

Broomer cannot satisfy the pleading requirements for proceeding to the merits of this motion because the lack of GSR testing of Mangrum's clothing is not new or recently discovered. Moreover, even if the request to perform GSR testing on the victim's clothing was somehow new or recently discovered (which it is not), Broomer still cannot meet the threshold pleading requirement for proceeding to the merits of this request.

Broomer claims that this "new evidence", if the testing results prove to be positive, would further bolster his justification defense that he and his co-defendant were acting in self-defense and/or the defense of others at the time of the shooting. However, as previously discussed, "new" evidence proffered to bolster a defendant's defense of justification and/or self-defense does not satisfy the actual innocence exception to the pleading requirements.

Broomer cannot satisfy the actual innocence exception to the pleading requirements. It was undisputed that Broomer was the driver and his co-defendant the shooter in the shooting death of the victim. Broomer does not allege, nor could he, that someone other than he and his co-defendant committed the underlying acts in fact for which they were charged. In accordance with the mandates of Rule 61,

Broomer's pending motions should be dismissed as they fail to meet the pleading requirements for proceeding with this successive Rule 61 motion.

CONCLUSION

For all of the foregoing reasons, Broomer's fourth Rule 61 motion for postconviction relief should be SUMMARILY DISMISSED, his motion to conduct GSR testing of Mangrum's clothing should be DENIED, and his request for an evidentiary hearing should be DENIED.

IT IS SO RECOMMENDED.

/s/ Lynne M. Parker
Commissioner Lynne M. Parker

cc: Prothonotary
Anthony S. Figliola, Jr., Esquire
Peter W. Veith, Esquire