

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

STATE OF DELAWARE,	)	
	)	
Plaintiff,	)	
	)	
	)	Cr. ID No. 1504011040A
	)	
ATIBA MAYFIELD,	)	
	)	
Defendant.	)	

Submitted: July 9, 2026
Decided: October 23, 2026

**COMMISSIONER’S REPORT AND RECOMMENDATION THAT
DEFENDANT’S SECOND MOTION FOR POSTCONVICTION RELIEF
SHOULD BE SUMMARILY DISMISSED
AND
ALL RELATED MOTIONS SEEKING AN EVIDENTIARY HEARING,
DISCOVERY, EXPANSION OF THE RECORD AND THE
APPOINTMENT OF COUNSEL
SHOULD BE DENIED**

Andrew Vella, Esquire, Deputy Attorney General, Department of Justice,
Wilmington, Delaware, Attorneys for the State.

Atiba Mayfield, James T. Vaughn Correctional Center, Smyrna, Delaware, *pro se*.

PARKER, Commissioner

For the reasons set forth below, Defendant Atiba Mayfield's second motion for Rule 61 postconviction relief should be summarily dismissed, and all related motions should be denied.

FACTS AND PROCEDURAL HISTORY

In this case, Atiba Mayfield and his co-defendant Michael Broomer were charged with Murder in the First Degree and various other crimes stemming from the shooting death of Raekwan Mangrum and the shooting of a bystander on April 4, 2015. The State's theory of the case was that Broomer was the driver of the vehicle and Mayfield was the triggerman that intentionally killed Mangrum in a drive-by-shooting.¹

A detailed recitation of the bad blood that existed between the victim Mangrum and the co-defendants Mayfield and Broomer at the time of the shooting is set forth in the Superior Court's decision on Mayfield's first Rule 61 motion.² The Superior Court's decision on Mayfield's first Rule 61 motion also provides a detailed recitation of the shooting at issue, the ensuing high speed chase, and the ultimate capture of Mayfield and Broomer.³

¹ See, June 23, 2016 Trial Transcript, at pgs. 54-56.

² *State v. Mayfield*, 2025 WL 15104143, *3 (Del.Super.), *aff'd*, 2026 WL 569353 (Del.).

³ *State v. Mayfield*, 2025 WL 15104143, *1-4 (Del.Super.), *aff'd*, 2026 WL 569353 (Del.).

Mayfield and Broomer were tried separately. Mayfield's jury trial was held from June 13, 2016 to June 24, 2016.⁴ At Mayfield's trial, his defense strategy was to claim that this was not a drive-by shooting. He claimed that his co-defendant Broomer drove him to meet with Mangrum expecting to have a fistfight. There was scuffling. There was not supposed to be guns. Either Mangrum and/or his friend Nicodermus Morris introduced a gun or guns to the fistfight. Mangrum and/or Morris started shooting first and then Broomer shot back and killed Mangrum to protect Mayfield.⁵

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.⁶ 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.⁷

⁴ D.I. 35.

⁵ See, June 22, 2016 Trial Transcript at pgs. 175-217; June 23, 2016 Trial Transcript at pgs. 112-120.

⁶ D.I. 35.

⁷ D.I. 42.

Broomer's jury trial was held from August 8, 2016 to August 16, 2016.⁸ At Broomer's trial, Broomer did not contest that he was the driver of the vehicle and that Mayfield was the shooter that shot and killed Mangrum.⁹ Broomer's defense was that neither he, nor Mayfield, came to the scene with the intention/state of mind to kill Mangrum.¹⁰

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, and one count of Reckless Endangering in the First Degree.¹¹

Following his convictions, Mayfield appealed to the Delaware Supreme Court raising issues involving the Superior Court's denial of certain jury instructions he requested. One of the issues he raised was based on various justification defenses. Another was for lesser included offenses. The Delaware Supreme Court denied Mayfield's appeal and affirmed the final judgment of the Superior Court.¹²

On October 4, 2018, Mayfield filed his first Rule 61 motion. Counsel was appointed to represent him on that motion. In 2020, Mayfield privately retained

⁸ D.I. 33.

⁹ *State v. Broomer*, Criminal ID No. 1504010863A- August 15, 2016 Trial Transcript, at pgs. 39-47.

¹⁰ *State v. Broomer*, 2021 WL 4987625, * 4-5 (Del.Super.); August 15, 2016 Trial Transcript, at pgs. 39-47.

¹¹ *State v. Broomer*, Criminal ID No. 1504010863A -D.I. 38 (Sentencing Order).

¹² *Mayfield v. State*, 2017 WL 6015762 (Del.).

counsel who then substituted their appearance for the court appointed counsel. When private funding dried up the privately retained counsel were court appointed to continue their representation of Mayfield on his first Rule 61 motion. Mayfield's Amended First Postconviction Motion was filed, with the assistance of counsel, in May 2024. Mayfield's trial and appellate counsel filed affidavits responding to his ineffective assistance of counsel claims. The State filed a response to Mayfield's amended first Rule 61 motion, and Mayfield's postconviction counsel submitted a Reply on April 2025.¹³

In his first Rule 61 motion, through counsel, Mayfield raised numerous ineffective assistance of counsel claims.¹⁴ He also raised claims related to alleged prosecutorial misconduct and his sentence. Amongst the claims that Mayfield raised, included, but were not limited to, claims that his trial counsel failed to properly investigate and prepare for trial, particularly in the areas of crime scene reconstruction and ballistics evidence. Failures of counsel to interview witnesses including Tyrie Burton, who claimed to be an eyewitness. Failures of counsel to conduct gunshot residue ("GSR") testing. Failures of counsel to prepare to use cell phone records of communications between Mangrum and Broomer. And other

¹³ *State v. Mayfield*, 2025 WL 15104143, *4 (Del.Super.), *aff'd*, 2026 WL 569353 (Del.).

¹⁴ See, *State v. Mayfield*, 2025 WL 15104143 (Del.Super.), *aff'd*, 2026 WL 569353 (Del.).

alleged missteps and shortcomings of counsel during the trial preparation, trial, and appellate process.¹⁵

Following a full, careful and thorough review of the record and submissions, the Superior Court found that all of Mayfield's claims raised in his first Rule 61 motion were without merit.¹⁶ On appeal, the Delaware Supreme Court likewise concluded that all of Mayfield's claims were without merit and, on March 2, 2026, the Delaware Supreme Court affirmed the Superior Court's denial of Mayfield's first Rule 61 motion.¹⁷

Months later, on June 25, 2026, Mayfield filed this motion, his second Rule 61 motion with a supporting memorandum.¹⁸ Mayfield also filed motions for the appointment of counsel,¹⁹ for leave to conduct discovery,²⁰ to expand the record,²¹ and for an evidentiary hearing.²²

Dissatisfied with the denial of his first Rule 61 motion, Mayfield seeks another opportunity to reraise, reframe and recouch the claims he raised in his first Rule 61 motion. Mayfield seeks to more fully raise and more fully develop claims he previously raised. Mayfield seeks another opportunity to reraise and reargue his

¹⁵ *State v. Mayfield*, 2025 WL 15104143, *4 (Del.Super.), *aff'd*, 2026 WL 569353 (Del.).

¹⁶ *Id.*

¹⁷ *Mayfield v. State*, 2026 WL 569353 (Del.).

¹⁸ D.I. 125 & 126.

¹⁹ D.I. 127.

²⁰ D.I. 128.

²¹ D.I. 129.

²² D.I. 130.

claims regarding his counsels' alleged failure to investigate, preserve or present all supporting witnesses, forensic evidence, phone evidence and impeachment evidence.²³

MAYFIELD'S SECOND RULE 61 MOTION

Rule 61 contains a number bar that precludes review of “second or subsequent” motions.²⁴ Successive motions must be summarily dismissed unless an exception applies.²⁵ Under Rule 61(d)(2), a successive motion is unreviewable and shall be summarily dismissed unless the movant either: (i) 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; or (ii) pleads with particularity a claim that a new, retroactively applicable constitutional rule applies to the movant's case and renders his conviction invalid.²⁶

In second or subsequent motions, claims of ineffective assistance of counsel may not be raised unless these claims are based one of the exceptions set forth at Rule 61(d)(2).²⁷ The only path forward for Mayfield on any of his claims, including

²³ See, D.I. 125 & 126.

²⁴ Del.Super.Crim.R.61(d)(2), (i)(2).

²⁵ Del.Super.Crim.R.61(d)(2), (i)(5).

²⁶ Super.Ct.Crim.R. 61(d)(2) & (5); and Rule 61(i)(2).

²⁷ See, *Reed v. State*, 2024 WL 44574496, *4 (Del.)(ineffective assistance of counsel claims for failing to properly investigate, raise issues, and call certain witnesses cannot be raised in a second or subsequent Rule 61 motion unless it falls within one of the two exceptions under Rule 61(d)(2)); *State v. Turner*, 2024 WL 4503985, *3 (Del.Super.), *adopted*, D.I. 140 (October 31, 2024), *aff'd*, 2025 WL 655084 (Del.).

his ineffective assistance of counsel claims, is if he can satisfy either one of the two exceptions to the procedural bars set forth at Rule 61(d)(2).

In Mayfield's pending motion he has not invoked the exception of Rule 61(d)(2)(ii), the existence of a new constitutional rule retroactively applicable to his case. We turn therefore to the only other exception, Rule 61(d)(i), the "actual innocence" exception to Rule 61's procedural bars.

To meet the "actual innocence" exception, Mayfield must proffer the existence of new evidence that speaks with such persuasive force as to create a strong inference that he is actually innocent in fact of the acts underlying the charges.²⁸

Mayfield cannot satisfy the pleading requirements needed to meet the actual innocence exception to the procedural bars. Mayfield's proffered evidence is not new. The proffered evidence has already been found not to be persuasive. And, the proffered evidence seeks only to establish his lack of intent to commit the crimes for which he was charged, which is insufficient to satisfy the actual innocence exception.

First, the evidence that Mayfield relies on to support his claim of actual innocence in this second Rule 61 motion is neither new nor recently discovered. The evidence proffered by Mayfield in support of his second Rule 61 motion was known

²⁸*State v. Riddock*, 2022 WL 17820366, *5-6 (Del.Super.), *appeal dismissed*, 2023 WL 4875984 (Del.).

to him at the time of trial with one exception. At the time of trial, Mayfield knew what forensic testing had been performed on the evidence seized, and what had not been performed, he knew the nature and extent of the investigation undertaken by counsel, and the discovery conducted. Even if testing was not performed pre-trial on evidence seized, or additional discovery or investigation was not conducted on evidence obtained pre-trial, steps taken post-trial does not operate to transform the evidence which was known pre-trial, or that could have been known at the time of trial, into new evidence.²⁹

The only evidence proffered by Mayfield that was not known to him at the time of trial was the finding of an alleged witness, Tyrie Burton, who met Mayfield years later in prison and who claimed to have been at the scene of the shooting. However, this evidence is no longer new, because it was raised and adjudicated in Mayfield's first Rule 61 motion. When the alleged "newly discovered evidence" was already raised in a previously adjudicated postconviction motion, it cannot meet the threshold requirement of proffering newly discovered evidence.³⁰

²⁹ *State v. Madison*, 2022 WL 3011377, *4 (Del.Super.)(DNA testing performed post-trial does not constitute new evidence since the possibility of testing was known to exist before trial), *aff'd*, 2022 WL 17982946 (Del.); *State v. Riddock*, 2022 WL 17820366, *5 (Del.Super.), *appeal dismissed*, 2023 WL 4875984 (Del.).

³⁰ *State v. Clay*, 2022 WL 893744, *3 (Del.Super.).

Mayfield has not raised any new evidence that was not already known to him during his first Rule 61 motion. As such, he has failed to satisfy the actual innocence exception to the pleading requirements.

In addition to not meeting the requirement that the evidence proffered must be new, Mayfield also failed to meet the requirement that the evidence proffered “must speak with such persuasive force” as to “create a strong inference that the Defendant is actually innocent in fact of the acts underlying his convictions”.

The proffered evidence that Mayfield seeks to rely on to support his second Rule 61 motion was already raised and was adjudicated in his first Rule 61 motion and was already found not to be persuasive.³¹ Mayfield is not entitled to another attempt to reraise, reframe and recouch the evidence already known to him at the time of his first Rule 61 motion. Mayfield had time and opportunity to raise any issue he desired in his first Rule 61 motion. Having been provided with a full and fair opportunity to present any issue desired to be raised in his first Rule 61 motion, any attempt at this late juncture to raise, re-raise or re-couch a claim is procedurally barred.

To the extent Mayfield seeks to raise additional claims or issues stemming from the evidence already known to him during his first Rule 61 motion, any such additional claims or issues are procedurally defaulted because they were not raised

³¹ See, *State v. Mayfield*, 2025 WL 15104143 (Del.Super.), *aff'd*, 2026 WL 569353 (Del.).

in his first Rule 61 motion. Either Mayfield raised his claims in his first timely filed Rule 61 motion or he did not. He had more than ample opportunity to timely raise any claims he so desired. All of his claims are, at this late juncture, untimely and otherwise procedurally barred.³²

Highlighting one particular issue already raised and adjudicated in Mayfield's first Rule 61 motion is the testimony of the witness Tyrie Burton. When this issue was raised and adjudicated in Mayfield's first Rule 61 motion, the Superior Court after evaluating the testimony of this witness, found that his testimony was not persuasive, and the Delaware Supreme Court agreed on appeal.³³

The Superior Court noted that the witness, Burton, met Mayfield in prison. Burton claimed to have witnessed the shooting. In Burton's telling, he was 14 or 15 and was with his uncle (who is currently incarcerated in federal prison) in a parking lot near where the shooting occurred. Burton claimed that he and his uncle witnessed the shooting. The Superior Court in evaluating Burton's proffered testimony, found that Burton was unlikely to be an unimpeachable witness, having remained silent for years and only telling his story after being incarcerated with Mayfield. The Superior Court, in denying Mayfield's first Rule 61 motion, found that there was not a

³² See, Super.Ct.Crim.R. 61(i).

³³ *State v. Mayfield*, 2025 WL 15104143, *17 (Del.Super.), *aff'd*, 2026 WL 569353 (Del.).

reasonable probability that Burton's testimony would have resulted in a different result for Mayfield at trial.³⁴

For the sake of completeness, further undermining Burton's credibility, is the testimony of Burton's uncle, which was obtained after the adjudication of Mayfield's first Rule 61 motion. Burton's uncle stated that, contrary to Burton's representation, he was not with his nephew at the time of the shooting. Burton's uncle had no idea what his nephew was talking about, he was not present during the shooting and never witnessed the shooting.³⁵

In any event, all of the proffered evidence that Mayfield seeks to rely on to support his second Rule 61 motion was already raised and was adjudicated in some fashion in his first Rule 61 motion and was already found not to be persuasive.³⁶ Rule 61 does not permit successive opportunities to reframe and reraise issues already adjudicated in the hopes of achieving a different result. Mayfield has failed to satisfy the "persuasive" component of the actual innocence exception to the pleading requirements.

Finally, in order to satisfy the actual innocence exception to the procedural bars of Rule 61, there must be a strong proffer that the Defendant is actually innocent

³⁴ *State v. Mayfield*, 2025 WL 15104143, *17 (Del.Super.), *aff'd*, 2026 WL 569353 (Del.).

³⁵ See, *State v. Broomer*, Criminal Action No. 1504010863A- D.I. 194.

³⁶ See, *State v. Mayfield*, 2025 WL 15104143 (Del.Super.), *aff'd*, 2026 WL 569353 (Del.).

in fact of the acts underlying his convictions. But to satisfy this requirement, the new evidence must establish more than the innocence of intent. It requires new evidence that a person other than the defendant committed the crime.³⁷ Actual innocence means factual innocence, not legal innocence. The new evidence must be such as to raise a strong inference that the State convicted the wrong person.³⁸

Here, Mayfield cannot meet this showing. Mayfield does not dispute that he and his co-defendant Broomer were involved in an altercation with the victim that ended in the victim's death. Mayfield disputes only his intent/state of mind and that of his co-defendant's at the time of the victim's death. Mayfield claims that either he or his co-defendant were justified in the killing of the victim in that they were acting in self-defense or one of them was acting in the defense of the other.

All of the proffered evidence that Mayfield relies on to support his "actual innocence" exception to Rule 61's procedural bars pertain to alleged new evidence to establish his (and his co-defendant's) intent to shoot Mangrum, not to whether someone other than he (or his co-defendant) shot and killed Mangrum. Mayfield offers no evidence that he is factually innocent of Mangrum's shooting death. He does not allege, or offer a reason to believe, that someone else other than he and his

³⁷ *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.).

³⁸ *Id.*; *State v. Stokes*, 2022 WL 2783813, *3 (Del.Super.).

co-defendant committed the crimes for which he was charged. Nor could he. It is undisputed that either Mayfield or his co-defendant shot and killed Mangrum.

Mayfield's justification defense, self-defense claim, or defense claim of another all pertain to Mayfield's and his co-defendant's state of mind/intent at the time of the shooting death of the victim. However, a defendant who claims only that he lacked the requisite intent to commit a crime fails to establish a strong inference of actual innocence under Rule 61.³⁹

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.⁴⁰ Mayfield cannot establish that someone else committed the acts for which he was convicted, because it is undisputed that either he or his co-defendant shot and killed the victim.

Mayfield has not satisfied the actual innocence exception to the procedural bars. He has not proffered any new evidence, the evidence proffered has already been raised and adjudicated in his first Rule 61 motion and has already been found not to be persuasive, and the evidence proffered does not establish that someone other than Mayfield and/or his co-defendant shot and killed Mangrum.

³⁹ *State v. Taylor*, 2018 WL 3199537,*7 (Del.Super.), *aff'd*, 2019 WL 990718 (Del.).

⁴⁰ *State v. Taylor*, 2018 WL 3199537, *7 (Del.Super.), *aff'd*, 2019 WL 990718 (Del.).

In accordance with the mandates of Rule 61, Mayfield's second Rule 61 motion is procedurally barred and should be summarily dismissed.

ALL RELATED MOTIONS ARE DENIED

In connection with Mayfield's second Rule 61 motion, Mayfield has also requested the appointment of counsel, discovery, expansion of the record, and an evidentiary hearing. For the reasons discussed above, Mayfield has failed to meet the pleading requirements allowing him to proceed with his pending second Rule 61 motion. As such, all his related motions seeking the appointment of counsel, an evidentiary hearing, discovery, and expansion of the record are also denied.

CONCLUSION

For the reasons set forth herein, Mayfield's second Rule 61 motion for postconviction relief should be SUMMARILY DISMISSED, and all his related requests for the appointment of counsel, discovery, expansion of the record and an evidentiary hearing should be DENIED.

IT IS SO RECOMMENDED.

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

cc: Prothonotary
John S. Malik, Esquire
Andrew J. Witherell, Esquire
Herbert W. Mondros, Esquire