

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

DAVID F. DAWSON,)
)
) Petitioner,)
)
) v.) Civil Action No. 96-300-RRM
)
) ROBERT SNYDER, Warden, and)
) DELAWARE CORRECTIONAL CENTER,)
)
) Respondents.)

INFORMATIONAL ORDER

Representatives of the State of Delaware executed David F. Dawson by injection at 12:05 a.m. on Thursday, April 26, 2001.

On June 24, 1988, a Delaware Superior Court jury convicted Dawson of the first degree murder of Madeline Kisner on December 1, 1986, the day Dawson, Larry Nave, Mark McCoy and Richard Irwin escaped from the Delaware Correctional Center in Smyrna, Delaware. See Dawson v. Snyder, 988 F. Supp. 783 (D. Del. 1997).

By a decision dated December 15, 1997, this court denied Dawson's petition for a writ of habeas corpus. See id. In that decision, the court set out the factual and procedural history of the State's investigation of the crime, the trial, Dawson's appeal and his petitions for post conviction relief.

Throughout the 15 years that he pressed those petitions, Dawson's principal arguments relating to the trial and conviction were addressed to his contention that Nave, McCoy and Irwin had committed the crime. Dawson argued that he had been denied a fair trial by the State's failure to preserve potentially exculpatory evidence, including the State's failure to preserve knives found on Nave, McCoy and Irwin when they were arrested.

Dawson also argued Paul Swierzbinski and Bernard O'Donnell had provided him ineffective assistance as his trial and appeal counsel. Dawson argued that Swierzbinski had failed to obtain and analyze the potentially exculpatory knives, had failed to interview witnesses and obtain evidence to support Dawson's version of the events, and had failed to adequately consult with Dawson prior to Dawson's decision not to testify at the trial. Dawson argued O'Donnell provided ineffective assistance on appeal as he failed to identify and advance these arguments and the argument that Swierzbinski had been ineffective for failing to pursue them before and at the trial. See State v. Dawson, 581 A.2d 1078 (Del. 1990) (affirming Dawson's conviction and death sentence); Dawson v. Delaware, 503 U.S. 159 (1992) (reversing the capital sentence on constitutional grounds and remanding to state court for a determination of whether the error was harmless); Dawson v. State, 608 A.2d 1201 (Del. 1992) (remanding to the Superior Court for a new capital sentencing hearing); Dawson v. State, 637 A.2d 57 (Del. 1994) (affirming the Superior Court's death sentence after remand); State v. Dawson, 681 A.2d 407 (Del. Super. Jun 09, 1995) (denying Dawson's petition for post-conviction state

collateral relief); Dawson v. State, 673 A.2d 1186 (Del. Supr. 1996) cert. denied 519 U.S. 844 (1996) (affirming denial of Dawson's petition for state collateral relief); Dawson v. Snyder, 988 F. Supp. 783 (D. Del. 1997) (denying Dawson's petition for a writ of habeas corpus and granting a certificate of appealability); Dawson v. Snyder, 234 F.3d 1264 (3rd Cir. 2000) (finding that the district court should not have issued a certificate of appealability because reasonable jurists could not have disagreed about the disposition of the case by the district court) cert. denied 121 S. Ct. 1422 (Mar 26, 2001); Dawson v. State, 2001 WL 410736 (Del. Apr 23, 2001) (denying Dawson's petition for a stay) cert. denied --- S. Ct. ---, 2001 WL 419053 (Apr 25, 2001).

On April 17, 2001, Dawson appeared before the State Board of Pardons and admitted he had in fact killed Madeline Kisner.

UNITED STATES DISTRICT JUDGE

Dated: April 27, 2001