

**IN THE SUPERIOR COURT OF THE STATE OF DELAWARE**  
**IN AND FOR NEW CASTLE COUNTY**

STATE OF DELAWARE,	)	
	)	
v.	)	ID#: 0610023116
	)	
DEREK MILLER,	)	
Defendant.	)	

**ORDER**

**Upon Defendant’s Second or Third Motion for Postconviction Relief –  
*SUMMARILY DISMISSED***

1. On January 26, 2012, Defendant filed this, his second or third motion for postconviction relief. (Defendant is prolific and his first and second motions overlapped, so the court issued one opinion.<sup>1</sup>)

2. The Prothonotary properly referred this motion for preliminary review. Like his prior motion(s), it appears appropriate for summary dismissal.

3. The issues presented here closely mirror those presented in Defendant’s motion to withdraw guilty plea - decided December 18, 2007, and his original, postconviction relief motion(s) - decided June 26, 2009. Those decisions are elaborate and speak for themselves.

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<sup>1</sup> See *State v. Miller*, I.D. #0610023116 (Del. Super. June 26, 2009) (Silverman, J.).

4. To the considerable extent Defendant's current motion reiterates issues already decided, it is repetitive and adjudicated. To the limited extent this motion varies from earlier motions, this motion is procedurally barred,<sup>2</sup> and for the reasons presented in the earlier decisions and here, further review is not merited in the interest of justice.<sup>3</sup>

5. In summary, it continues to appear, as he repeatedly told the court, Defendant pleaded guilty because he was guilty, and but for his morning-of-trial plea, a jury would have convicted him. So, he would be in an even worse predicament now. Again, the reasons why this is correct have been set-out before.

For the foregoing reasons, and as explained in the earlier decisions mentioned above, Defendant's second or third motion for postconviction relief is **SUMMARILY DISMISSED**. The Prothonotary **SHALL** notify Defendant.

**IT IS SO ORDERED.**

Date: May 10, 2012

/s/FredS. Silverman

Judge

cc: Prothonotary (Criminal)  
Josette D. Manning, Deputy Attorney General  
Derek Miller, *Pro Se*

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<sup>2</sup> Super. Ct. Crim. R. 61(i)(3).

<sup>3</sup> *Id.* 61(i)(2),(4).