

SUPERIOR COURT
OF THE
STATE OF DELAWARE

RICHARD F. STOKES
JUDGE

SUSSEX COUNTY COURTHOUSE
1 THE CIRCLE, SUITE 2
GEORGETOWN, DE 19947
TELEPHONE (302) 856-5264

October 22, 2012

Richard R. Roswell
SBI No. 00164
Sussex Correctional Institution
P.O. Box 500
Georgetown, Delaware 19947

RE: *State of Delaware v. Richard R. Roswell*
I.D. No. 1111011489

Motion for Postconviction Relief
Denied.

Dear Mr. Roswell:

I have received your motion for postconviction relief, filed pursuant to Super.Ct.Crim.R.61 ("Rule 61"). You seek modification of your 15-year sentence for your seventh conviction of Driving Under the Influence, 21 *Del.C.* § 4177.

Rule 61(a)(1) permits a defendant to seek to set aside a judgment of conviction. It does not address sentence modifications, which fall within Rule 35.

Because it is plainly appears from the motion and the record that you are not entitled to relief under Rule 61, your motion is **SUMMARILY DISMISSED** pursuant to Rule 61(d)(4).

IT IS SO ORDERED.

Very truly yours,

/s/ Richard F. Stokes

Richard F. Stokes

Original to Prothonotary
xc: Mark J. Cutrona, Esquire, DOJ
John P. Daniello, Esquire, OPD