

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

STATE OF DELAWARE,)
)
 v.) ID No. 0511001605
)
HARRY W. ANDERSON,)
)
 Defendant.)

MEMORANDUM OPINION

This case began as a garden variety criminal matter. On March 6, 2006 Defendant entered a guilty plea to a single count of Assault in the Second Degree, and he was sentenced on May 26, 2006. What makes this case remarkable is the cavalcade of motions filed by Anderson after his sentencing. The following summarizes some, *but not all*, of Anderson's requests to the courts:

- May 19, 2006 Request to Reconsider Modification Motion
- August 24, 2006 Petition for Writ of Habeas Corpus
- October 10, 2006 Motion for Post Conviction Relief
- March 9, 2007 Defendant found in violation of probation
- March 30, 2007 Petition for Writ of Habeas Corpus
- May 4, 2007 Petition for Writ of Habeas Corpus

- June 6, 2007 Petition for Writ of Habeas Corpus
- June 22, 2007 Motion for Reconsideration
- July 3, 2007 Motion for Correction of Sentence
- August 16, 2007 Petition for Writ of Habeas Corpus
- November 21, 2007 Defendant found in violation of probation
- December 28, 2007 Petition for Writ of Habeas Corpus
- January 18, 2008 Letter of Reconsideration of Sentence
- January 30, 2008 Petition for Writ of Habeas Corpus
- February 7, 2008 Motion for Modification of Sentence
- September 18, 2009 Petition for Writ of Habeas Corpus
- December 3, 2009 Petition for Writ of Habeas Corpus
- July 13, 2010 Petition for Writ of Habeas Corpus
- July 27, 2010 Motion to Dismiss/Award Credit Time
- September 22, 2010 Defendant found in violation of probation
- September 27, 2010 Request for Review of Sentence
- November 15, 2010 Petition for Writ of Habeas Corpus
- November 23, 2010 Appeal to Supreme Court
- December 27, 2010 Petition for Writ of Habeas Corpus
- January 13, 2011 Motion to Dismiss/Correct Sentence
- April 1, 2011 Petition for Writ of Habeas Corpus

- August 22, 2011 Petition for Writ of Habeas Corpus
- June 18, 2012 Arrested for violation of probation
- June 19, 2012 Petition for Writ of Habeas Corpus
- October 19, 2012 Motion for Reduction of Bail
- January 30, 2013 Defendant found in violation of probation
- February, 2012 Appeal to Supreme Court
- February 27, 2012 Petition for Writ of Habeas Corpus
- March 11, 2013 Motion for Transcript
- October 30, 2013 Defendant found in violation of probation
- November, 2013 Appeal to Supreme Court
- December 4, 2013 Motion to Correct Sentence
- December 11, 2013 Motion for Transcript
- February 4, 2014 Motion for Credit Time
- March 13, 2014 Request for Review of Sentence
- April 8, 2014 Motion for Rule to Show Cause
- September 8, 2014 Petition for Writ of Habeas Corpus
- September 22, 2014 Motion for Correction of Clerical Mistake
- September 29, 2014 Motion for Extraordinary Circumstances Under Reconsideration of Writ of Habeas Corpus

To be sure, there were two occasions when Anderson filed meritorious petitions. Both had to do with calculating the amount of credit for

time served at Level 5, a calculation which was complicated not only by Anderson's frequent violations of probation but also by the fact he was held in New Jersey on a detainer from Delaware after serving a sentence of incarceration in New Jersey. But the vast majority of Anderson's filings were devoid of merit.

Anderson's repeated filings require the expenditure of scarce judicial and staff resources, not only in this court but also in the Delaware Supreme Court. The expenditure of judicial resources seems obvious. Not so obvious, perhaps, is the burden on the courts' staffs. Anderson's appeals, for example, require staff to prepare transcripts, prepare the record, box it and ship it to the Supreme Court in Dover. Once the appeal is completed the Clerk of the Supreme Court must again box the record and ship it back to Wilmington. Recently the Supreme Court had this to say about another litigious prisoner:

Finally, we note the obvious. This is Brown's fourth Rule 61 petition. On appeal from the denial of the motion, we have invested considerable time detailing our reasons why we conclude that the Superior Court properly found that Brown's claims do not present grounds for relief from his judgment of convictions. In the future, if Brown files additional petitions, we do not intend to continue to invest scarce judicial resources in addressing his repetitive claims. We also encourage Brown to be mindful of subsection (j) of Rule 61.¹

¹ *Brown v. State*, 2014 WL 4264923 *3 (Del.).

This court will take its cue from the Supreme Court in extreme cases like this. It will continue to scrutinize Anderson's petitions but will no longer elaborate on the reasons for its decision beyond what is necessary to allow review by the Supreme Court.

In the instant petition Anderson complains of ineffective assistance of counsel in the proceedings leading to his guilty plea. He has previously filed a Rule 61 motion alleging ineffective assistance of counsel. The instant motion is procedurally barred because it was filed more than one year after Anderson was convicted, is repetitive, and raises matters previously adjudicated. It is therefore summarily **DISMISSED.**

October 10, 2014

John A. Parkins, Jr.
Superior Court Judge

oc: Prothonotary
cc: Daniel B. McBride, Esquire, Department of Justice,
Wilmington, Delaware
Harry W. Anderson, *Pro Se* Defendant, James T. Vaughn
Correctional Center, Smyrna, Delaware