

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

STATE OF DELAWARE)	
)	
Plaintiff,)	
)	
v.)	C.A. No.: N11M-06-022
)	
ERIC BARKLEY)	
Defendant.)	

ORDER

Motion For Return of Property – *DENIED.*

1. On July 13, 2011, Defendant pleaded guilty to a drug felony.
2. As part of the process Defendant signed a plea agreement providing: “The defendant will forfeit \$1,752 seized to SLEAF.”
3. Despite his written agreement to forfeit the \$1,752 on August 18, 2011, Defendant filed a motion for return of the money.
4. Defendant’s motion claims the money was illegally seized and that he “had been approved for back payment of social security,” and “Samaritan Outreach had been assisting [Defendant] with payment of rent and utilities. . . .” Defendant also claims the money was “legitimate and not drug related.” But, Defendant does not claim the seized money actually came from social security

or Samaritan Outreach, much less where, when, how and in what amounts he came into the money.

5. Most importantly, even if Defendant's claim to the money seemed compelling, which it does not, as part of his guilty plea, Defendant agreed to forfeiture. He cannot go back on that. A deal is a deal.

For the foregoing reasons, Defendant's August 18, 2011 motion for return of property is **DENIED**. A separate order of forfeiture has been issued and docketed.

IT IS SO ORDERED.

Date: October 17, 2011

/s/ Fred S. Silverman

Judge

cc: Prothonotary (Civil)
Robert J. O'Neill, Jr., Deputy Attorney General
Eric Barkley, *Pro Se*