### IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

# IN AND FOR NEW CASTLE COUNTY

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STATE OF DELAWARE,

v.

LEROY COOK, SR., Defendant. ID#: 0608025757

#### ORDER

# Upon Defendant's Fifth Motion for Postconviction Relief -SUMMARILY DISMISSED.

1. On July 30, 2012, the Supreme Court of Delaware affirmed the

denial of Cook's fourth motion for postconviction relief.<sup>1</sup> Even before the mandate was received, Cook filed this fifth motion for postconviction relief.

2. The Prothonotary properly referred the matter and, upon preliminary review,<sup>2</sup> it appears this motion is subject to dismissal for the same reasons as the last one.

<sup>&</sup>lt;sup>1</sup> State v. Cook, 2012 WL 1415627 (Del. Super. Feb. 24, 2012) (Silverman, J.), *aff'd*, 2012 WL 3096623 (Del. 2012) (TABLE).

<sup>&</sup>lt;sup>2</sup> Super. Ct. Crim. R. 61(d)(1).

3. Accordingly, Defendant's fifth motion for postconviction relief

is **SUMMARILY DISMISSED**. The Prothonotary shall notify Defendant.

# IT IS SO ORDERED.

Date: <u>August 21, 2012</u>

/s/ Fred S. Silverman Judge

cc: Prothonotary (Criminal Division) Renee L. Hrivnak, Deputy Attorney General Leroy Cook, Sr., Defendant