

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

STATE OF DELAWARE,)	
)	
v.)	ID#: 0805017969
)	
SYE C. NEWTON,)	
)	
Defendant.)	

ORDER

**Upon Defendant’s “ Rule 60 Motion For Relief From Judgment or Order” –
DISMISSED**

1. Having failed to overturn, through direct appeal¹ and serial motions for postconviction relief,² his conviction for kidnaping and related crimes stemming from taking a hostage in prison, Defendant now seeks relief through Superior Court Civil Rule 60(b).

2. This is a criminal matter. It is governed by the Superior Court Rules of Criminal Procedure.³ Only cases not provided for in the criminal rules are covered by the civil rules.⁴ Criminal Rule 61 clearly covers the claims made by Defendant now. Defendant is attempting to collaterally attack his conviction and

¹ *Newton v. State*, 991 A.2d 18 (Del. 2010).

² *State v. Newton*, 2010 WL 8250757 (Del. Super. July 15, 2010); *State v. Newton*, 2012 WL 1415811 (Del. Super. Jan. 31, 2012).

³ Super. Ct. Crim. R.1.

⁴ Super. Ct. Crim. R.57(d).

sentence, which is a proceeding controlled by Criminal Rule 61, not Civil Rule 60(d).⁵ Civil Rule 60(d) is not a way around Criminal Rule 61 and its procedural bars.

3. Defendant's second motion for postconviction relief was characterized as "borderline frivolous." That was because Defendant, among other things, attempted to invoke the "Geneva Convention." This time, Defendant is resorting to a civil rule in a criminal matter.

For the foregoing reasons, Defendant's September 17, 2013 "Rule 60 Motion For Relief From Judgment or Order," including the October 11, 2013 supplemental pleading is **DISMISSED**.

IT IS SO ORDERED.

Date: October 14, 2013 /s/ Fred S. Silverman

Judge

oc: Prothonotary (Criminal Division)
pc: Karin M. Volker, Deputy Attorney General
Sye C. Newton, Defendant

⁵ See *Jackson v. State*, 931 A.2d 437 (Del. 2007).