

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

MONIR A. GEORGE,	)	
	)	
Defendant,	)	
v.	)	ID# 0805035299
	)	
STATE OF DELAWARE	)	

**ORDER**

AND NOW, this day 17<sup>th</sup> of May , 2012, the Court having duly considered Defendant’s Motion to Appoint Counsel, **IT APPEARS THAT:**

1. Defendant was charged with Murder in the First Degree, Attempted Murder in the First Degree, Reckless Endangering in the First Degree, and 3 counts of Possession of a Firearm During the Commission of a Felony. After a bench trial, Defendant was found Guilty but Mentally Ill of all charges and sentenced to life in prison for First Degree Murder, 15 years at Level V for Attempted Murder, 1 year at Level V for Reckless Endangering, and 3 years at Level V on each weapon conviction.<sup>1</sup>

2. On March 10, 2012 Defendant filed a Motion to Appoint Counsel.

3. There is no constitutional right to counsel in a post-conviction proceeding.<sup>2</sup> However, Superior Court Criminal Rule 61(e)(1) provides that “[t]he

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<sup>1</sup> *George v. State*, 2010 WL 4009202, at \*1 (Del.) (affirming the Superior Court’s judgment).

<sup>2</sup> *Floyd v. State*, 1992 WL 183086 (Del. Sup.) (citing *Ross v. Moffitt*, 417 U.S. 600 (1974)).

court will appoint counsel for an indigent movant only in the exercise of discretion and for good cause shown, but not otherwise.”

3. According to Defendant, the following arguments in his motion are “substantial grounds for relief:” (1) he was born and raised overseas and English is his second language; (2) he knows nothing about the law; (3) he was not able to complete or prepare “any of the form or motions in this appeal without the Assistance of a ‘Jail House Lawyer’”<sup>3</sup>; (4) he believes “he has meritorious issues to Appeal in this case”<sup>4</sup>; (5) he is currently housed in the “MHU” housing for protective custody in James T. Vaughn Correctional Center, and consequently has “no direct access to a law library”<sup>5</sup>; (6) he is indigent; and (7) appointing counsel is in the interest of justice.

4. Defendant has failed to demonstrate good cause justifying the appointment of counsel for multiple reasons. First, before Defendant’s trial began the Court engaged in a colloquy to question Defendant about his decision to waive his right to a jury trial, and during trial the Court questioned Defendant again about his decision to waive his right to testify on his own behalf.<sup>6</sup> Moreover, Defendant did not raise the issue of a language barrier during his direct appeal. Second, with respect to arguments 2, 3, and 5, the fact that Defendant lacks knowledge of the

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<sup>3</sup> Defendant’s Motion to Appoint Counsel at 2.

<sup>4</sup> *Id.*

<sup>5</sup> *Id.* Defendant states that he must prepare his questions and submit them to other prisoners who work in the prison library to conduct his legal research.

<sup>6</sup> *George*, 2010 WL 4009202, at \*2.

law and has limited access to the law library because he is in protective custody are not exceptional circumstances that require the Court to appoint counsel.<sup>7</sup> Third, Defendant has not articulated the claims he intends to pursue. Defendant claims that he has “meritorious issues to Appeal in this case,”<sup>8</sup> but he provides no facts to support this claim, or to justify appointing counsel.

5. Defendant has not shown good cause in support of his Motion to Appoint Counsel, and thus, Defendant’s motion is **DENIED**.

**IT IS SO ORDERED.**

/s/Jan R. Jurden

Jan R. Jurden, Judge

cc: Prothonotary

Monir A. George  
James T. Vaughn Correctional Center  
1181 Paddock Road  
Smyrna, DE 19977

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<sup>7</sup> *State v. Johnson*, 2004 WL 3029940, at \*1 (Del. Super.) (holding that a defendant who claims he is poorly educated and has less access to the law library than others are “not exceptional circumstances that require court-appointed counsel”).

<sup>8</sup> Defendant’s Motion to Appoint Counsel at 2.