

SUPERIOR COURT  
OF THE  
STATE OF DELAWARE

John E. Babiarz, Jr.  
Judge

New Castle County Courthouse  
500 North King Street, Suite 10400  
Wilmington, Delaware 19801

April 23, 2008

Deven M. Richardson  
Delaware Correctional Center  
1181 Paddock Road  
Smyrna, DE 19977

**RE: *State of Delaware v. Deven M. Richardson***  
**I.D. No. 0405022819**

Dear Mr. Richardson:

I have received the motion for postconviction relief which you filed in regard to above-referenced charges. You allege that defense counsel was ineffective at both the trial level and the appellate level. To prevail on such a claim, you must meet the two-part *Strickland* test that your attorney's representation fell below an objective standard of reasonableness and but for such conduct there is a reasonable probability that the result of the trial or the appeal would have been different.<sup>1</sup> You must meet this burden by a preponderance of the evidence.<sup>2</sup>

Your first allegation is that your attorney failed to file an appeal of your

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<sup>1</sup>*Strickland v. Washington*, 466 U.S. 668, 688, 694 (1984).

<sup>2</sup>*Id.*

convictions, an assertion which is confirmed by the record. In a letter to the Court, your attorney indicates that he has no recollection of you asking him to file an appeal and that there were no viable issues for appeal purposes. Nonetheless, the Court will address your contentions.<sup>3</sup>

Your next argument is that defense counsel did not subpoena a witness despite having the witness' name and address months before trial. You have not identified this witness, nor have you indicated the nature of his testimony or how it would have affected your trial. This claim is a vague and unsupported assertion, and you have not met your burden.

Your third contention is that your attorney allowed the State to suppress favorable evidence, but you have not identified that evidence. Again, you fall short of the mark on this argument.

Your motion for postconviction relief is ***Denied***.

***It Is So ORDERED.***

Very truly yours,

Judge John E. Babiarz, Jr.

JEB,jr/ram/bjw  
Original to Prothonotary

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<sup>3</sup>*Braxton v. State*, 479 A.2d 831 (Del. 1984).