

SUPERIOR COURT
OF THE
STATE OF DELAWARE

RICHARD R. COOCH
RESIDENT JUDGE

NEW CASTLE COUNTY COURTHOUSE
500 N. KING STREET, SUITE 10400
WILMINGTON, DELAWARE 19801
(302) 255-0664

Kevin Dickens
Delaware Correctional Center
1181 Paddock Road
Smyrna, Delaware 19977

Ipek Kurul, Esquire
Deputy Attorney General
Carvel State Office Building
820 N. French Street
Wilmington, Delaware 19801

Re: *Kevin L. Dickens v. State of Delaware*
I.D.# 0112001247

Submitted: August 7, 2003
Decided: September 16, 2003

On Defendant's Motion for Reargument. **DENIED.**

Dear Mr. Dickens and Ms. Kurul:

Appellant Kevin Dickens has moved for reargument of this Court's July 11, 2003 Order affirming his criminal conviction in the Court of Common Pleas¹ on the ground that the Court "has not applied settled Delaware and federal law to the facts of this case."² However, under Superior Court Civil Rule 59(e) (Rearguments), made applicable to criminal cases pursuant to

¹ 2003 WL 21982924 (Del. Super.)

² Appellant's Mot. at 1.

Superior Court Criminal Rule 57(d), Appellant's motion is not timely.³ This five-day time limit applies even when the movant is incarcerated.⁴

Accordingly, Appellant's Motion for Reargument is **DENIED**.

IT IS SO ORDERED.

Very truly yours,

/s/

/jkk

oc: Prothonotary
xc: Investigative Services

³ See *Duffy v. State*, 1998 WL 138945 (Del. Supr.) (holding that the five-day filing period of Superior Court Civil Rule 59(e) is made applicable to criminal proceedings by Superior Court Criminal Rule 57(d)).

⁴ *Id.* at *2 (citing *Carr v. State*, 554 A.2d 778, 779 (Del.), cert. denied, 493 U.S. 829 (1989)).