

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

STATE OF DELAWARE)	
)	
Plaintiff,)	
)	
v.)	ID: 9702013762
)	
WILLIAM J. WEBB, JR.,)	
)	
Defendant.)	

Submitted: April 25, 2008
Decided: July 21, 2008

ORDER

**Upon Defendant's Second Motion for Postconviction Relief –
SUMMARILY DENIED**

1. Since he pleaded guilty and was sentenced in 1997, Defendant has filed countless motions, six petitions for habeas corpus, three appeals and, at least, two motions for postconviction relief. This decides Defendant's second motion for postconviction relief under Superior Court Criminal Rule 61.

2. As discussed briefly below, the motion might have been summarily

dismissed under Rule 61(d)(4). Because, however, the court called for the State's response under Rule 61(f)(1) and Defendant's reply under 61(f)(3), the motion will be denied, rather than dismissed.

3. In its decision affirming Defendant's conviction and sentence,¹ and its decision affirming the denial of postconviction relief originally,² the Supreme Court has presented the case and decided the issues. In summary, Defendant's plea agreement, entered under former Superior Court Criminal Rule 11(e)(1)(c), called for one year in prison followed by probation. Consistent with the Rule 11(e)(c) plea agreement, the sentence was eight years suspended after one, followed by probation. When Defendant violated the probation, he was sentenced to some of the suspended back time. In every reasonable way, Defendant has challenged the violation of probation sentence here and in the prior proceedings.

4. Basically, Defendant claims his plea was unknowing, his lawyer was ineffective and the sentence was unlawful. Nevertheless, those claims have been denied and they have been settled by the Supreme Court's decisions.

5. The claims in the pending motion are all timed-barred and previously adjudicated. Accordingly, Defendant is not entitled to postconviction relief and the motion is **SUMMARILY DENIED** under Rule 61(i)(1) and (4).

¹ *Webb v. State*, Del. Supr., No. 288,2007, Holland, J. (Sept. 28, 2007) (ORDER).

² *Webb v. State*, Del. Supr., No. 491,2006, Jacobs, J. (Dec. 12, 2006) (ORDER).

Defendant has not shown that consideration is warranted under Rule 61(i)(5). An evidentiary hearing under Rule 61(h) is not desirable.

IT IS SO ORDERED.

/s/ Fred S. Silverman

Judge

oc: Prothonotary (Criminal)
pc: Para K. Wolcott, Deputy Attorney General
William J. Webb, Jr.