

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

STATE OF DELAWARE	)	
	)	
v.	)	I.D. # 0511012722
	)	
TONY S. DAVIS, JR.	)	
	)	
Defendant	)	
	)	

Submitted: August 19, 2008  
Decided: October 22, 2008

Upon Defendant's Motion for Postconviction Relief.  
**DENIED.**

**ORDER**

COOCH, J.

This 22<sup>nd</sup> day of October, 2008, upon consideration of Defendant's motion for postconviction relief, it appears to the Court that:

1. Defendant filed a motion for postconviction relief on August 19, 2008.
2. On April 24, 2006, Defendant pleaded guilty to possession with intent to deliver cocaine and possession of a firearm during the commission of a

felony and was sentenced respectively to 6 years Level V, suspended for 18 months Level III and 5 years Level V, minimum mandatory.

3. Defendant's bases for relief set forth in their entirety:

(1) Request for statutory Good Time

The amount of early release credits are a maximum of ninety days per year. Which when I was given my Plea Agreement, I was lead to believe that I could get good time.

(2) During the past 32 months I have completed the following programs: New Vision/Child Inc. and I am currently enrolled in GED classes and [the] Life Skills Program.

(3) Family Issues

I am trying to get back to the outside world a little sooner. To help my girlfriend support our two daughters and also get training for a career such as welding. Basically[,] I signed the plea thinking I could earn good time, because of the question on the (TIS) Guilty Plea Form. And also I am trying to work my way back out into society [a]nd live a normal life and have the past behind. I am a new person with a grown man's look on life. It's all about my children now.

4. Defendant's motion is barred by Superior Court Criminal Rule

61(i)(1) because Defendant filed his motion for postconviction relief more than one year after the judgment of conviction is final, and Defendant does not assert a retroactively applicable right that is newly recognized after the judgment of conviction.<sup>1</sup>

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<sup>1</sup> Super. Ct. Crim. R. 61(i)(1).

Time limitation. A motion for postconviction relief may not be filed more than one year after the judgment of conviction is final or, if it asserts a retroactively applicable right that is newly recognized after the judgment of conviction is final, more than one year after the right is first recognized by the Supreme Court of Delaware or by the United States Supreme Court.

4. For the reasons stated, Defendant's Motion for Postconviction Relief is **DENIED**.

**IT IS SO ORDERED.**

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Richard R. Cooch

oc: Prothonotary  
cc: Investigative Services  
Brian J. Robertson, Esquire, Deputy Attorney General  
Tony S. Davis, Jr.  
Kathryn A. C. Van Amerongen