

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

IN AND FOR KENT COUNTY

STATE OF DELAWARE,)
)
 v.) ID # 0612009150
)
AARON E. STEVENS,)

ORDER

AND NOW, TO WIT, this 29th day of April, 2009, **IT IS HEREBY**

ORDERED as follows:

1. On March 5, 2008, Defendant, Aaron E. Stevens (“Stevens”) pled guilty to Possession with Intent to Deliver Cocaine, Possession with Intent to Deliver Oxycodone, and Conspiracy Second Degree. As to Possession with Intent to Deliver Cocaine, Stevens was sentenced to four years at Level V with credit for seven months previously served. As to Possession with Intent to Deliver Cocaine, Stevens was sentenced to one year at Level V. As to Conspiracy Second Degree, Stevens was sentenced to two years at Level V, suspended for six months at Level IV Work Release, followed by eighteen months at Level II.¹

¹ Sentencing Order, Docket Item (“D.I.”) 42.

2. On May 15, 2008, Stevens filed a *pro se* Motion for Reduction/Modification of Sentence.² On August 26, 2008, the Court denied Stevens' motion because the sentence in the case was imposed pursuant to a plea agreement between Stevens and the State, the Motion was time-barred without the existence of any extraordinary circumstances, and the sentence was appropriate for all the reasons stated at the time of sentencing.³ On January 13, 2009, Stevens filed this *pro se* Motion for Postconviction Relief⁴.
3. In his Postconviction Motion, Stevens claims he is entitled to relief under the "Eighth Amendment[.]" Stevens explains that he was diagnosed with the Hepatitis-C virus in 2004, and that he is receiving "inadequate medical care from the medical staff" while incarcerated.⁵ Stevens claims that he requested an appointment with an infectious disease doctor in September 2008 and, as of December 2008, he has not been treated. He also claims that the "Hospital staff" was "informed of [his] condition" on October 23, 2008, and that lab tests were ordered but not implemented.⁶

² D.I. 45.

³ D.I. 46.

⁴ D.I. 47.

⁵ Motion for Postconviction Relief at ¶12.

⁶ *Id.*

4. “Postconviction relief is a collateral remedy which provides an avenue for upsetting judgments that otherwise have become final.”⁷ Motions for postconviction relief are governed by Superior Court Criminal Rule 61. The Rule is designed to afford a collateral remedy for defendants that claim that the proceedings leading to their judgments of conviction or sentences violated their constitutional rights.⁸ “If it plainly appears from the motion for postconviction relief and the record of prior proceedings in the case that the movant is not entitled to relief, the judge may enter an order for its summary dismissal and cause the movant to be notified.”⁹
5. Here, Stevens does not challenge the validity of his plea agreement, effectiveness of his legal counsel, or any other issue that led to his conviction. **WHEREFORE**, Stevens’ Motion for Postconviction Relief is **SUMMARILY DISMISSED**.

IT IS SO ORDERED.

Jan R. Jurden, Judge

cc: Prothonotary (original)
Alexis Slutsky, Esq.
Thomas D. Donovan, Esq.

⁷ *Flamer v. State*, 585 A.2d 736, 745 (Del. 1990).

⁸ *See Harris v. State*, 410 A.2d 500 (Del. 1979); *State v. Hammons*, 2003 WL 23274833, at *2 (Del. Super. Dec. 29, 2003).

⁹ Super. Ct. Crim. R. 61(d)(4).