

SUPERIOR COURT
OF THE
STATE OF DELAWARE

WILLIAM C. CARPENTER, JR.
JUDGE

NEW CASTLE COUNTY COURTHOUSE
500 NORTH KING STREET, SUITE 10400
WILMINGTON, DE 19801-3733
TELEPHONE (302) 255-0670

August 25, 2009

Carlos Lopez
James T. Vaughn Correctional
Smyrna, DE

RE: State v. Carlos Lopez
ID No. 0506007270

On Defendant's Motion for Postconviction Relief - DISMISSED

Submitted: July 30, 2009
Decided: August 25, 2009

Dear Mr. Lopez:

The Court has received your Motion for Postconviction Relief filed with the Prothonotary on July 30, 2009. First of all, your Motion is untimely as Rule 61(i)(1) requires all motions of this nature to be filed within one year of the conviction becoming final. The Supreme Court decided your matter in 2006 and therefore, the filing of this petition in 2009 does not meet the criteria of this rule.

Secondly, this is not the first time you have filed a motion for postconviction relief. A similar motion was filed in August of 2007 and was decided in February of 2008. Many of the allegations which you raise in your present motion were addressed in that previous opinion and will not be reviewed again.

Further, Rule 61(i)(2) requires that any grounds for relief that were not asserted in a prior postconviction proceeding would be barred unless consideration is warranted in the interest of justice. Since the claims you have made relate to the alleged ineffective assistance of counsel which has

been previously addressed and further alleges a 6th Amendment confrontation issue which is without merit since the victim of your criminal act actually testified in your case, the Court finds the interest of justice does not warrant further consideration of your motion.

As such, your present Motion for Postconviction Relief is summarily dismissed.

IT IS SO ORDERED.

Sincerely yours,

/s/ William C. Carpenter, Jr.

Judge William C. Carpenter, Jr.

WCCjr:twp

cc: Josette Manning, Esquire
Prothonotary