

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

STATE OF DELAWARE	:	
	:	
	:	
v.	:	ID # 0802024120
	:	
SEAN KELLY	:	
	:	
Defendant.	:	

ORDER

This 18th day of November 2009, upon consideration of Defendant's Motion to Suppress, it appears to the Court that:

1. Defendant filed a motion to suppress on November 5, 2009. The motion states, in its entirety:

NOW COMES THE DEFENDANT, Sean Kelly, through counsel, who moves to suppress any in-court identification testimony, of any witness, of the Defendant, that is tainted by any overly suggestive or unfair photographic displays.

2. On November 12, 2009, the State filed response to Defendant's motion requesting that the Court "summarily dismiss the motion because it is devoid of any facts or legal authority to support it."

3. Superior Court Criminal Rule 41(f) provides that the Court "may summarily deny a motion to suppress unless the motion at least alleges a

factual basis upon which relief may be granted.”¹ General and conclusory allegations are not sufficient to trigger a hearing.²

4. There is nothing in the motion which apprises either the State or the Court of any factual or legal basis for the motion. In a civil case, this Court has previously stated that it is “not obligated to do ‘counsel's work for him or her.’”³ The same rationale holds true here. Accordingly, Defendant’s motion to suppress is summarily **DENIED**.

IT IS SO ORDERED.

John A. Parkins, Jr.

cc: Prothonotary

¹ Super. Ct. Crim. R. 41. *See also State v. Russell*, 2003 WL 21998966, at *2 (Del. Super.) (summarily denying a motion to suppress for failing to “articulate sufficient factual bases”).

² *State v. Wilson*, 2008 WL 2192815 (Del. Super.) (summarily denying a motion to suppress where the motion was “completely devoid of legal authorities and facts relied upon”).

³ *Gonzalez v. Caraballo*, 2008 WL 4902686, at *3 (Del. Super.).