

SUPERIOR COURT
OF THE
STATE OF DELAWARE

T. HENLEY GRAVES
RESIDENT JUDGE

SUSSEX COUNTY COURTHOUSE
ONE THE CIRCLE, SUITE 2
GEORGETOWN, DE 19947

December 3, 2009

N440 State Mail
Warren Lee Harris
James T. Vaughn Correctional Center
1181 Paddock Road
Smyrna, DE 19977

**RE: Motion for Postconviction Relief
Defendant ID No. 91S04938DI (R-3)**

Dear Mr. Harris:

Following trial in May, 1992, you were convicted of unlawful sexual intercourse in the first degree. On July 10, 1992, you were sentenced to twenty-four (24) years followed by probation. The victim was your four-year old daughter. A DNA analysis indicated your semen was intermixed with her blood on her sheets.

Your first Motion for Postconviction Relief attacked your trial competency. After full discovery and an evidentiary hearing, the Motion was denied on December 10, 1996.

Your second Motion for Postconviction Relief was denied on January 8, 1998. You attacked the waiver of indictment, right to have a preliminary hearing and your presence at all stages of the trial. Appeals in all of the above were affirmed.

On November 30, 2009, you filed your third Motion for Postconviction Relief. It is very brief and very conclusory.

You allege the following:

- "Ground One: double jeopardy - false imprisonment, illegal detention arrest or search and seizure"

- “Ground Two: effective assistance - mis-identification, suppression of favorable evidence”
- “Ground Three: unfulfilled plea agreement to remain silent, denial (sp.) the right to confront witnesses, uninformed waiver of the right to counsel to remain silent.”

Also filed was a motion for appointment of counsel with an attachment labeled “Motion for: postconviction mis-identification”. The attachment has a long, rambling, nonsensical paragraph about lower and higher courts making investigations and wiping off records. It does not articulate a basis for any claim.

The present Motion is denied as being (i) conclusory; (ii) time-barred by Rule 61(i)(1), and repetitive per Rule 61(i)(2). There is no reason offered to revisit this nineteen (19) year old case.

IT IS SO ORDERED.

Yours very truly,

/s/ T. Henley Graves

T. Henley Graves

THG:baj

cc: Prothonotary
Department of Justice