

SUPERIOR COURT
OF THE
STATE OF DELAWARE

T. HENLEY GRAVES
RESIDENT JUDGE

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

June 28, 2010

Graylin L. Hall
James T. Vaughn Correctional Center
1181 Paddock Road
Smyrna, DE 19977

RE: State v. Graylin L. Hall
Defendant ID No. 0001001994A (R-3)

Dear Mr. Hall:

The Court has had the opportunity to review and study your Motion for Postconviction Relief filed pursuant to Superior Court Criminal Rule 61 ("Rule 61"). The Court has also had the opportunity to review your file. Your Motion for Postconviction Relief is procedurally barred. It is denied.

BACKGROUND

In 2000, you were charged with robbery in the first degree, assault against a person over 65 years of age, burglary in the second degree, and possession of burglars' tools. On July 28, 2000, the jury found you not guilty as to the robbery, but guilty as to the assault, burglary, and possession of burglars' tools. Following the State's motion to have you declared an habitual offender, a presentence investigation was obtained. You were sentenced on October 27, 2000, as an habitual offender to life imprisonment on the burglary in the second degree (Criminal Action No. 00-01-0162). You were sentenced to a period of three (3) years as to the possession of burglars' tools (Criminal Action No. 00-01-0163), and you were sentenced to a period of three (3) years as to the assault charge (Criminal Action No. 00-01-0161).

Your conviction was affirmed by the Delaware Supreme Court. *Hall v. State*, 788 A.2d 118 (Del. 2001).

Of relevance to the present Motion for Postconviction Relief is that, on direct appeal, defense attacked the Superior Court's determination that you were habitual-offender-eligible under Title 11, § 4214(b). The Supreme Court held there was substantial evidence to support this Court's conclusion that the State had met its burden of proof in establishing the predicate burglary offenses. *Hall v. State*, 788 A.2d at 129.

Subsequently in 2006, you filed a Motion to Correct an Illegal Sentence. This Court deemed it a Rule 61 Motion. In that Motion you alleged your burglary sentence was illegal because there was insufficient evidence to support your status as an habitual offender. That Motion was denied and the Supreme Court affirmed same. *Hall v. State*, 2006 WL 3053269 (Del. Oct. 27, 2006), 911 A.2d 803 (Del. 2006) (TABLE).

In your present Motion, you once again attack your habitual offender status. This issue has been previously adjudicated twice and therefore is procedurally barred under Rule 61(i)(4). It is also filed eight (8) years after the original mandate was filed with this Court affirming the direct appeal. The mandate was filed on January 18, 2002. Your Motion comes too late. Rule 61(i)(1). Moreover, it is also repetitive. Rule 61(i)(2).

Your third Motion for Postconviction Relief is denied.

IT IS SO ORDERED.

Yours very truly,

/s/ T. Henley Graves

T. Henley Graves

THG:baj

cc: Prothonotary
Department of Justice