

SUPERIOR COURT
OF THE
STATE OF DELAWARE

T. HENLEY GRAVES
RESIDENT JUDGE

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

September 29, 2010

N440 State Mail
James A. Biggins
James T. Vaughn Correctional Center
1181 Paddock Road
Smyrna, DE 19977

**RE: Defendant's ID No. 9609015504 (R-6)
Motion for Postconviction Relief**

Dear Mr. Biggins:

On September 21, 2010, the Court received your Motion for Postconviction Relief filed pursuant to Superior Court Criminal Rule 61 ("Rule 61").

In your present Motion, you allege your attorney was ineffective as to matters concerning the Interstate Agreement on Detainers ("IAD"). You also argue the State of Delaware violated "the letter and spirit of the IAD" as to your presence in Delaware.

Finally, you allege your attorney was ineffective for failing to raise a speedy trial claim.

BACKGROUND

_____ In 1997, you were convicted following a jury trial of three counts of unlawful sexual intercourse, assault in the third degree, and unlawful imprisonment in the second degree. You are serving a thirty (30) year sentence. Your conviction was affirmed, *Biggins v. State*, 1999 WL 1192332 (Del.), 741 A.2d 1025 (Del. 1999) (TABLE).

Your first Rule 61 Motion was denied and this decision was likewise affirmed. *Biggins v. State*, 2000 WL 1504868 (Del.), 760 A.2d 162 (Del. 2000) (TABLE).

In your first Rule 61 Motion, you raised many, many issues including the IAD rights to a speedy trial and ineffective assistance of counsel.

Since then you have filed numerous Rule 61 Motions (this being your sixth), and many assorted motions and civil actions. You have lost good time as a result of filing frivolous actions. Nevertheless, you keep the cards, letters and motions coming.

The present Motion is procedurally barred pursuant to Rule 61(i) because it is too late, it is repetitive, and the issues have been previously adjudicated.

Defendant's sixth Motion for Postconviction Relief is denied.

IT IS SO ORDERED.

Yours very truly,

/s/ T. Henley Graves

THG:baj

cc: Prothonotary
Department of Justice