

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

STATE OF DELAWARE)	
)	
v.)	ID: 1206024952
)	
DWAYNE A. EVANS,)	
)	
Defendant.)	

ORDER

**Upon Defendant’s Timely Motion to Amend Rule 61 (i)(5) –
*DENIED.***

1. On August 21, 2014, the court summarily dismissed Defendant’s motion for postconviction relief under Superior Court Criminal Rule 61. The order speaks for itself.

2. Defendant did not file an appeal from the denial. Instead, on November 18, 2014, Defendant filed a motion titled “Defendant’s Timely Motion to Amend Rule 61(i)(5).”

3. Coming almost two months after Defendant’s motion was dismissed, Defendant’s motion is not timely. It is almost two months late.

4. If the motion were timely, which it is not, and if the motion were not either a second motion under Rule 61 or for reargument, the court would not appoint counsel. The reasons for not appointing counsel to help Defendant challenge his knowing, voluntary and beneficial guilty plea are adequately summarized in the August dismissal order.

For the foregoing reasons, Defendant's November 18, 2014 motion is **DENIED.**

IT IS SO ORDERED.

Date: December 4, 2014 /s/ Fred S. Silverman
Judge

oc: Prothonotary (Criminal)
pc: Barzilai K. Axelrod, Deputy Attorney General
Dwayne A. Evans, Defendant