

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

STATE OF DELAWARE, :
 : Cr. A. Nos. 07-04-0265 thru 0272
 v. :
 : ID# 0703029123 (R-2)
 LYNWOOD C. TAYLOR, :
 :
 :
 Defendant. :

Submitted: June 20, 2019

Decided: June 26, 2019

Upon Defendant's Motion for Postconviction Relief
SUMMARILY DISMISSED

ORDER

Upon consideration of the Motion for Postconviction Relief ("PCR") filed by Defendant Lynwood C. Taylor ("Defendant"); Rule 61 of the Superior Court Criminal Rules of Procedure ("Rule 61"); the facts, arguments, and legal authorities set forth by Defendant; statutory and decisional law; and the entire record in this case, the Court hereby finds as follows:

1. Defendant was arrested in 2007 and charged with six counts of Rape in the First Degree, and one count each of continuing sexual abuse of a child endangering a child and terroristic threatening. In December of 2007 Defendant was found guilty on all counts except the terroristic threatening count which was

dismissed.

2. In early 2009 Defendants convictions were affirmed by the Supreme Court of the State of Delaware.

3. In August of 2009 Defendant filed a motion for new trial, which this Court denied. In the motion Defendant made claims identical to the claims here, with the exception of ineffective assistance of counsel claims. Specifically, Defendant claimed, *inter alia*, that the victim sent him a letter recanting her testimony. The State believed the letter to be a forgery. After hearing the Court denied the motion.

4. Defendant filed his first petition for Postconviction relief December 2, 2009. In that petition Defendant raised issues similar to those raised here including claims of ineffective assistance of counsel. The motion was denied by order dated January 5, 2010. Defendant appealed and the matter was remanded for further proceedings. After the further proceedings the petition was again denied. The last Order denying the petition was affirmed by the Supreme Court of the State of Delaware in March 2011.

5. On June 20, 2019 the current petition (the second) was filed. All claims in this petition had been made previously in either Defendant's initial trial or subsequent motions, or in his first petition for Postconviction relief.

6. Postconviction relief is a “collateral remedy which provides an avenue for upsetting judgments that have otherwise become final.”¹

7. To protect the finality of criminal convictions, the Court must consider the procedural requirements for relief set out under Rule 61(i) before addressing the merits of the motion.² Rule 61 (i)(1) bars a motion for Postconviction relief that is filed more than one year from a final judgment of conviction.³ Rule 61(i)(2) bars successive motions for Postconviction relief.⁴ Rule 61(i)(3) bars relief if the Postconviction motion includes claims that were not asserted in prior proceedings leading to the final judgment, unless the movant shows cause for relief from the procedural bars and prejudice from a violation of the movant’s rights.⁵ Finally, Rule 61(i)(4) bars relief if the Postconviction motion includes grounds for relief formerly adjudicated in any proceeding leading to the judgment of conviction, in an appeal, or in a Postconviction proceeding.⁶

¹ *Flamer v. State*, 585 A.2d 736, 745 (Del. 1990)

² *Younger v. State*, 580 A.2d 552, 554 (Del. 1990)

³ Super. Ct. Crim. R. 61(i)(1)

⁴ Super. Ct. Crim. R. 61(i)(2)

⁵ Super. Ct. Crim. R. 61(i)(3)

⁶ Super. Ct. Crim. R. 61(i)(4)

8. Defendant's claims have already been adjudicated, including a previous Postconviction petition. His current petition is untimely in the extreme. There is no basis in fact or law to consider the petition.

NOW, THEREFORE, this 26th day of June, 2019, Defendant's Motion for Postconviction Relief is hereby SUMMARILY DISMISSED.

IT IS SO ORDERED.



Craig A. Karsnitz