

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

STATE OF DELAWARE,)		
)		
v.)	ID Nos.	1807002127
)		1806020683
ANDRE JONES,)		
)		
Defendant.)		

ORDER

This 6th day of December, 2019, upon consideration of Defendant Andre Jones’s (“Defendant”) *pro se* Motion for Postconviction Relief (the “Motion”),¹ Defendant’s case history, and the record in this case, it appears to the Court that:

1. On October 22, 2018, Defendant pled guilty to one count of Escape After Conviction and one count of Vehicular Assault in the Second Degree.

2. On June 24, 2019, Defendant sent the Motion as a physical attachment to a letter addressed to the office of Central Offender Records, which handled the administrative requests in Defendant’s letter. Central Offender Records then forwarded the Motion to this Court and the Prothonotary received it on September 3, 2019.²

¹ D.I. 16, 12.

² Defendant did not specify the applicable case numbers in the Motion itself, but the letter to which it is attached lists the above captioned case numbers. The Defendant lists the convictions entered in those case numbers in his Motion, and he attached a copy of the Truth-in-Sentencing Guilty Plea form to the Motion. The Court believes there is more than sufficient evidence to determine that the Defendant did intend to file this Motion in the above captioned cases.

3. The Motion raises three grounds for post-conviction relief: (1) a constitutional violation of “Defendant’s right to be fully informed of the offense against him,” (2) ineffective assistance of trial counsel, and (3) that his criminal proceeding was procedurally flawed in violation of Defendant’s right to remain silent and his right to a trial by jury.

4. Delaware Superior Court Criminal Rule 61(b)(2) states that a motion for post-conviction relief “shall set forth in summary form the facts supporting each of the grounds” raised in the Motion. This Court has held that a defendant risks summary dismissal of his motion if it does not “support his or her assertions with concrete allegations of actual prejudice,” and that the Court “will not address Rule 61 claims that are conclusory and unsubstantiated.”³

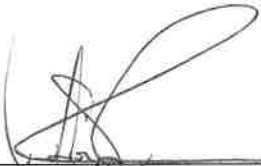
5. Defendant’s claims consist of broad, conclusory statements, without any factual allegations that describe how or when the alleged violations occurred. The Motion attaches only the Truth-in-Sentencing Guilty Plea form signed by Defendant and his attorney. Notably, it is not accompanied by any document or other supplement that could provide factual details to substantiate Defendant’s legal claims.

6. The Court’s meticulous review of Defendant’s files and criminal history did not produce any evidence of potential constitutional violations.

³ *State v. Hohn*, 2015 WL 301982, 2 (Del.Super. January 21, 2015).

7. Therefore, because the asserted grounds for relief are unsubstantiated by any form of concrete, factual allegations, Defendant's Motion is hereby **SUMMARILY DISMISSED.**

IT IS SO ORDERED.



Sheldon K. Rennie, Judge

Original to Prothonotary

cc: Andre Jones (SBI #00476519), HRYCI, Wilmington DE
Timothy G. Maguire, DAG, Department of Justice, Wilmington, DE