

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

CLARENCE WORD	:	
	:	Cr.A. IN99-06-1635 through 1636 RI
Defendant-Petitioner	:	
	:	
v.	:	
	:	
STATE OF DELAWARE	:	
	:	
	:	

Submitted October 9, 2002  
Decided October 22, 2002

**O R D E R**

From the Petitioner-Defendant’s motion to appoint counsel and the papers attached thereto it appears that:

- (1) Defendant- Petitioner Clarence Word (“Word”) *pro se* has filed with this Court a petition and supporting documentation for post conviction relief pursuant to Super. Ct. Crim. R. 61.
- (2) Word now moves this Court to appoint counsel to represent him in his collateral appeal requesting post conviction relief.
- (3) To that end and in support of his motion, Word avers that (i) he is incarcerated, (ii) he is unskilled in the law, (iii) “the law library at the state prison where... [he] is being held severely limits the days and times that [he] is allowed [access]...” and (iv) that appointment of counsel would facilitate “the best interest of justice.”<sup>1</sup>
- (4) It is well settled in Delaware that “a defendant does not have a Sixth Amendment right to court-appointed counsel in post-conviction relief proceedings.”<sup>2</sup> The Superior Court has broad discretion in any decision to order that a defendant receive representation in a collateral proceeding.<sup>3</sup> The Court however, should appoint counsel to an indigent defendant in a collateral matter only upon finding a compelling reason.<sup>4</sup>

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<sup>1</sup> See Defendants Motion at 2.  
<sup>2</sup> See *Brokenbrough v. State*, 560 A.2d 489, 489 (Del. 1989) citing e.g. *Wainwright v. Torna*, 455 U.S. 586 (1982), *Ross v. Moffitt*, 417 U.S. 600 (1974).  
<sup>3</sup> See *Brokenbrough*, 560 A.2d at 489.  
<sup>4</sup> See e.g. *Meades v. State*, 796 A.2d 654 (Del. 2002) and *Benson v. State*, 608 A.2d 725 (Del. 1991) both citing *Pennsylvania v. Finely*, 481 U.S. 551 (1987).

(5) After a hearing in this Court, Word sought and was granted leave to pursue his direct appeal to the Delaware Supreme Court *pro se*. Word appealed *pro se* and his conviction in the trial court was affirmed. Only now, after Words conviction has been affirmed by the Delaware Supreme Court, and after he has filed numerous papers in support of his Rule 61 application does he move for the appointment of counsel. Word's petition is ripe and no further submissions are appropriate.

(6) I do not find that the appointment of counsel is supported by any compelling reason.

Therefore, for the foregoing reasons, Word's motion for court appointed counsel is

DENIED.

**IT IS SO ORDERED this 18<sup>th</sup> day of October, 2002.**

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Judge Susan C. Del Pesco

Original to Prothonotary

xc: Clarence Word

Kester Crosse, Esquire, Assistant Public Defender

Joelle Wright, Esquire, Deputy Attorney General