

May 8, 2002

Bodo J. Blessing
AKA David Murray
Volusia Branch Jail,
Caller Service Box 2865
Daytona Beach, FL 32120

RE: Def. ID #9805011982 (R-1)
CRA #98-08-0260 – Unlawfully Dealing with Child Pornography Material
CRA #98-06-0261 – Possession of Child Pornography
CRA #98-06-0220 – Forgery 2nd

Dear Mr. Blessing:

On May 6, 2002, the Court received your *pro se* application for post conviction relief. In your petition you make a number of allegations of improper conduct and fraud on the part of the Delaware State Police. You report that you have previously provided this information to the Department of Justice and the Governor's Office. You also make a number of conclusory allegations. Basically, you make allegations without any supporting evidence. Finally, you raise issues and allegations which fall outside of a Rule 61 post conviction relief application in that they deal with matters concerning issues that are not directly related to your conviction.

On October 7, 1998, you appeared before this Court and entered a guilty plea to the above charges. The plea was pursuant to Rule 11(e)(1)(c), a rule which allows the defense and the State to negotiate a specific sentence. The Court found what had been negotiated to be reasonable and imposed it. There was no appeal taken on the October 7, 1998, sentencing order.

Your present application is procedurally barred. You raise issues which could have been asserted in Superior Court prior to the entry of your plea or at the time of the trial, had you chosen not to plead guilty. By not asserting those issues earlier, you waive any claims arising from them unless you can show cause for not bringing them before the Court in a timely manner and prejudice. You have not attempted to do this. These claims must be dismissed pursuant to Rule 61(i)(3).

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More importantly, all of your claims are subject to procedural dismissal, i.e. procedurally barred, because they come after three years from your judgment of conviction, which was October 7, 1998. Therefore, pursuant to Rule 61(i)(1), your Motion for Post Conviction Relief comes too late and must be dismissed.

Defendant's Motion for Post Conviction Relief is denied.

SO ORDERED.

Very truly yours,

T. Henley Graves

jfg

pc: Prothonotary
Department of Justice