

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

STATE OF DELAWARE,	:	
	:	
	:	
	:	C.r. ID: 9711008238
v.	:	Cr. A. No. IN97-12-0413R1
	:	Cr. A. No. IN97-12-0414R1
	:	Cr. A. No. IN97-12-0415R1
BRIAN HUNTER,	:	
	:	
	:	
Defendant.	:	

Submitted: February 25, 2004  
Decided: March 5, 2004

**ORDER**

On this 5<sup>th</sup> day of March 2004 , upon consideration of defendant’s *pro se* reconsideration motion for postconviction relief under Superior Court Criminal Rule 61, it appears that:

(1) The defendant was convicted of Possession With Intent to Deliver Cocaine, Possession of Cocaine Within 1000 Feet of a School and Possession of Cocaine Within 500 Feet of a Park and sentenced on March 16, 2001.

(2) The defendant filed a motion for postconviction relief in the above captioned case on January 2, 2002. The motion asserted three grounds for relief: (a) an illegal arrest; (b) an illegal search and seizure; and (c) ineffective assistance of counsel

(3) This Court denied defendant’s motion on July 1, 2002.<sup>1</sup>

(4) In defendant’s present motion for reconsideration he raises the same arguments as previously made. Superior Court Criminal Rule 61 (i)(2) states “[a]ny ground for relief that was

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<sup>1</sup> *State v. Hunter*, Del. Super., C.A. Nos. IN97-12-0413R1, IN97-12-0414R1, IN97-12-0415R1, Del Pesco, J. (July 1, 2003) (Order).

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not asserted in a prior postconviction proceeding, as required by subdivision (b)(2) of this rule, is thereafter barred, unless consideration of the claim is warranted in the interest of justice.”<sup>2</sup>

(4) There is no showing that interests of justice require further review.

(5) For the above reasons, the motion for reconsideration of postconviction relief is

DENIED.

IT IS SO ORDERED.

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Judge Susan C. Del Pesco

Original to Prothonotary  
xc: Stuart Sklut, Esq., Deputy Attorney General  
Brian Hunter, *Pro Se*

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<sup>2</sup> Super. Ct. Crim. R. 61 (i)(2). See also *State v. Cannon*, 2000 Del. Super. LEXIS 340.