

SUPERIOR COURT  
OF THE  
STATE OF DELAWARE

T. Henley Graves  
*Resident Judge*

SUSSEX COUNTY COURTHOUSE  
ONE THE CIRCLE, SUITE 2  
GEORGETOWN, DE 19947  
(302) 856-5257

December 6, 2004

N440  
Daniel Paskins  
Delaware Correctional Center  
1181 Paddock Road  
Smyrna, DE 19977

**RE: Defendant ID No. 9312006327 (R-8)**

Dear Mr. Paskins:

On November 29, 2004, the Court received another Postconviction Relief application from you. In it, you state that your case should be dismissed because of untimely delay. Specifically, you complain that your initial arrest occurred on December 7, 1993, but your preliminary hearing occurred on December 23, 1993, which is six days beyond the time period set for the purposes of preliminary hearing under Superior Court Criminal Rule 5.

You noted in your postconviction application that you were sentenced on July 15, 1994 and the Supreme Court's final order was March 15, 1995. Since then you have filed many postconviction applications attacking the process and procedure which took place from the point in time of your arrest to the point in time of your conviction.

The present application is procedurally barred under Rule 61(i)(1) which requires postconviction applications to be filed within three years from the date the conviction is final. Pursuant to your application, it has been over nine years since your conviction was final.

It is barred because this is a repetitive motion. As noted, you have filed multiple applications for postconviction relief and have explored thoroughly all issues including the Court's claimed lack of jurisdiction. You have tenaciously argued and argued and argued. This is clearly a repetitive motion and it is procedurally barred as you have had plenty of opportunity to present all issues before this date.

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It is procedurally barred under Rule 61(i)(4) which states that any ground for relief which was formerly adjudicated in the previous proceedings is thereafter barred. Your complaints concerning the delay and the process of how your case moved forward have been adjudicated. The fact that you put new wrapping paper on the package doesn't change the substance of your complaints.

A complaint about a six day delay in having your preliminary hearing does not give rise to any jurisdictional issues, nor does it present a colorable claim that a miscarriage of justice has occurred because of a constitutional violation that undermined the fundamental legality, reliability, integrity or fairness of the proceedings leading to your conviction.

Defendant's Motion for Postconviction Relief is denied.

**IT IS SO ORDERED.**

Yours very truly,

T. Henley Graves

THG:baj  
cc: Prothonotary  
Department of Justice