

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

STATE OF DELAWARE	)	
	)	
v.	)	I.D. # IN84-10-0159-R1
	)	
DONALD F. BASS	)	
	)	
Defendant.	)	

Date Submitted: January 13, 2005  
Date Decided: April 13, 2005

**O R D E R**

**Upon Defendant's *Pro Se* Motion for Post-Conviction Relief  
SUMMARILY DISMISSED**

Steven P. Wood, Esquire, Deputy Attorney General, Carvel State Building, 820 North French Street, Wilmington, Delaware 19801, for the State of Delaware.

Donald F. Bass, Delaware Correctional Center, 1181 Paddock Road, Smyrna, Delaware 19977, Defendant, *Pro se*.

David M. Lukoff, Esquire, Office of the Public Defender, Carvel State Building, 820 North French Street, Wilmington, Delaware 19801, for the Defendant.

JURDEN, J.

Before the Court is a motion for post-conviction relief filed by Donald F. Bass (hereinafter the “Defendant”) pursuant to Superior Court Criminal Rule 61. For the reasons that follow, the Defendant's motion is **SUMMARILY DISMISSED**.

1. On December 10, 1984, the Defendant pled guilty to Escape Second degree and on March 29, 1985 he was sentenced to six months at Level V. In 1987, the Defendant was convicted of Delivery of Cocaine and in 1990 he was convicted of Robbery First degree. On November 20, 1998, the Court subsequently imposed a mandatory habitual offender sentence of eight life terms plus seventy-eight mandatory years. The Defendant appealed this conviction and sentence on December 23, 1998. On September 13, 2000, the Delaware Supreme Court affirmed the conviction and sentence.<sup>1</sup> On January 10, 2005, the Defendant filed the present motion for post-conviction relief.

---

<sup>1</sup> *Bass v. State*, 2000 WL 1508724 \*3 (Del. 2000).

2. In a motion for post-conviction relief under Superior Court Criminal Rule 61, the Court is to apply the rules governing procedural requirements before addressing substantive claims.<sup>2</sup> Rule 61(i)(1) specifically bars consideration of any claim that has been “filed more than three years after the judgement of conviction is final.”<sup>3</sup>

3. With regard to the Escape Second degree charge, the Defendant has not filed an appeal, or any other motion for post-conviction relief, other than the present motion. In this case, the Defendant filed his motion for post-conviction relief nearly twenty years after the judgment of conviction became final in his case. The claims that the Defendant asserts in this motion are procedurally barred pursuant to Superior Court Criminal Rule 61(i)(1). Additionally, the Defendant has not offered any evidence that a “colorable claim” exists such that the procedural bar should be inapplicable.<sup>4</sup> As a result of these procedural bars, the Court will not address the substantive claims and each of the claims is Summarily Dismissed.<sup>5</sup>

For the foregoing reasons, the Defendant’s Motion for Post-conviction

---

<sup>2</sup> *Younger v. State*, 580 A.2d 552, 554 (Del. Super. Ct. 1990).

<sup>3</sup> *See* DEL. SUPER. CT. CRIM. R. 61(i)(1).

<sup>4</sup> *See* DEL. SUPER. CT. CRIM. R. 61(i)(5).

<sup>5</sup> *See* DEL. SUPER. CT. CRIM. R. 61(d)(4) (“If it plainly appears from the motion for post-conviction relief and the record of prior proceedings in the case that the movant is not entitled to relief, the judge may enter an order for its summary dismissal and cause the

relief is **SUMMARILY DISMISSED.**

**IT IS SO ORDERED.**

---

Jan R. Jurden, Judge

---

movant to be notified.”).