

3. On May 3, 2005 Defendant filed a Motion for Postconviction Relief supported by a 133 page handwritten memorandum of law. Defendant's motion alleged eleven separate grounds for relief.

4. Upon close examination, and after careful consideration of Defendant's memorandum of law, the Court finds that Defendant's Rule 61 motion does not meet the requirements of Rule 61(b)(2) regarding the permitted "content" of a Motion for Postconviction Relief. Specifically, Rule 61(b)(2) provides that the motion "shall specify all the grounds for relief which are available to the movant . . . and shall set forth in *summary* form the facts supporting each of the grounds thus specified."¹

5. Defendant's voluminous memorandum in support of his Rule 61 motion far exceeds the purpose and the content limitations envisioned by Rule 61. Rule 61 originally was enacted to afford prisoners the right to attack collaterally their sentences and not as a substitute for appeal.² In conjunction with this objective, and mindful of the importance of judicial efficiency and economy, the rule requires that the movant identify all grounds for relief at the outset of the motion in a concise, cogent, and summary manner. It is not the objective of Rule

¹Super. Ct. Crim. R. 61(b)(2) (emphasis added).

²*Flamer v. State*, 585 A.2d 736, 745 (Del. 1990).

61 to provide *pro se* defendants with a method for relief in which they may allege, in a verbose manner, all imaginable grounds for relief. The purpose and language of Rule 61 fundamentally prohibit repetitive, meritless, and meandering motions for relief in order to protect the court system, responding counsel, and the State from undue hardship and expense.

6. Defendant's memorandum is unnecessarily long, extremely redundant, and in many instances consists of lengthy diatribes of unsupported assertions. A motion under this rule is directed to the discretion of the Court.³ It is the Court's opinion that Defendant is able to address these arguments in a more concise and abridged fashion, which will not violate the remedial safeguards inherent to Rule 61. Pursuant to Rule 61(b)(6), the movant may amend his motion to comply with the restrictions set forth in subsection (b)(2).

7. Notwithstanding the fact that this Court will not evaluate the Defendant's motion on its merits at this time, the Court reminds Defendant that when invoking an ineffective assistance of counsel claim, the movant must support his claim with *concrete* allegations of actual prejudice; otherwise the movant risks summary dismissal.⁴ The Defendant also should note that lengthy explanations in

³*Shy v. State*, 246 A.2d 926, 927 (Del. 1968).

⁴*State v. Mason*, 1998 WL 449563, at *3 (Del. Super.)

no way dissuade the Court from summarily dismissing claims that are conclusory or unsubstantiated.

8. Defendant's motion is hereby **DENIED WITHOUT PREJUDICE**.

Defendant may amend his Rule 61 Motion for Postconviction Relief, setting forth his claims in summary form as required by Rule 61(b)(2).

IT IS SO ORDERED.

The Honorable Mary M. Johnston

oc: Prothonotary - Criminal Division