

SUPERIOR COURT
OF THE
STATE OF DELAWARE

T. HENLEY GRAVES
RESIDENT JUDGE

SUSSEX COUNTY COURTHOUSE
ONE THE CIRCLE, SUITE 2
GEORGETOWN, DE 19947

October 3, 2006

N440 - State Mail
Timothy Hembree
SBI No.
Delaware Correctional Center
1181 Paddock Road
Smyrna, DE 19977

RE: Defendant ID No. 9509002602

Dear Mr. Hembree:

Your fourth (4th) Motion for Postconviction relief was filed on September 20, 2006. It is procedurally barred.

You claim that the record does not adequately establish that your waiver of indictment was done so knowingly and intelligently.

In your second Motion for Postconviction Relief, you claimed an “unconstitutionally deficient waiver” of indictment. Your claim was denied. Therefore, it has been previously adjudicated and barred pursuant to Superior Court Criminal Rule 61(i)(4).

It is also barred as repetitive. Superior Court Criminal Rule 61(i)(2). Finally, you were sentenced over ten years ago. Your conviction was affirmed by the Supreme Court. Timothy J. Hembree v. State, Del. Supr. No. 95, 1996, Veasey, CJ. (Jan. 7, 1993) (ORDER). All subsequent attacks have been denied. Therefore, Superior Court Criminal Rule 61(i)(1) also bars this claim.

Defendant's 4th Motion for Postconviction Relief is denied.

IT IS SO ORDERED.

Yours very truly,

T. Henley Graves

THG:baj
cc: Prothonotary