

IN THE SUPREME COURT OF THE STATE OF DELAWARE

SHAWN LLOYD,	§	
	§	
Defendant Below-	§	No. 330, 2002
Appellant,	§	
	§	
v.	§	Court Below—Superior Court
	§	of the State of Delaware,
STATE OF DELAWARE,	§	in and for New Castle County
	§	Cr.A. Nos. IN95-08-0960R2
Plaintiff Below-	§	IN95-09-0175R2
Appellee.	§	IN95-09-0176R2
	§	IN95-09-0179R2

Submitted: November 8, 2002
Decided: December 18, 2002

Before **VEASEY**, Chief Justice, **HOLLAND** and **STEELE**, Justices

ORDER

This 18th day of December 2002, upon consideration of the briefs on appeal and the record below, it appears to the Court that:

(1) The defendant-appellant, Shawn Lloyd, filed an appeal from the Superior Court's June 4, 2002 order denying his motion for postconviction relief pursuant to Superior Court Criminal Rule 61. We find no merit to the appeal. Accordingly, we AFFIRM.

(2) In September 1995, Lloyd was charged with a number of sex offenses involving his minor children. In July 1996, Lloyd pleaded guilty to 3 counts of Unlawful Sexual Intercourse in the Third Degree and one count

of Unlawful Sexual Intercourse in the First Degree. In September 1996, he was sentenced to a total of 22 ½ years incarceration at Level V. Lloyd did not file a direct appeal of his convictions or sentences. He filed a motion for postconviction relief in May 2002.

(3) In his appeal, Lloyd claims that the Superior Court erred by denying his postconviction motion as time barred. He argues that, because the Family Court and not the Superior Court had jurisdiction over his offenses, he falls under the exception to the three-year limit applicable to claims for postconviction relief.¹

(4) The Superior Court properly determined that Lloyd's postconviction motion was time barred. Lloyd's convictions became final 30 days after the imposition of sentence in September 1996² and he had three years from that date in which to file a postconviction motion.³ The motion, which was filed in May 2002, clearly was untimely. Lloyd's attempt to overcome the time bar by asserting that his claim falls under the exception to the three-year limit⁴ also fails. Lloyd's claim has been soundly and

¹SUPER. CT. CRIM. R. 61(i) (5) (“The bars to relief . . . shall not apply to a claim that the court lacked jurisdiction”)

²SUPER. CT. CRIM. R. 61(m) (1).

³SUPER. CT. CRIM. R. 61(i) (1).

⁴SUPER. CT. CRIM. R. 61(i) (5).

repeatedly rejected by this Court as a substantive basis for postconviction relief.⁵

NOW, THEREFORE, IT IS ORDERED that the judgment of the Superior Court is AFFIRMED.

BY THE COURT:

/s/ Myron T. Steele
Justice

⁵See *Foster v. State*, Del. Supr., No. 351, 2002, Walsh, J. (Aug. 28, 2002).