

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

STATE OF DELAWARE,)
)
 v.) ID # 0908020496
)
 PETER T. KOSTYSHYN,)
)
 Defendant.)

ORDER

AND NOW TO WIT, this 31st day of May, 2016, the Court having duly considered **thirty-one** (31) of Defendant Peter Kostyshyn’s motions, **IT APPEARS THAT:**

1. On November 24, 2010, a jury convicted Peter Kostyshyn of Aggravated Menacing, Possession of a Deadly Weapon During the Commission of a Felony, and Terroristic Threatening. On February 11, 2011, Kostyshyn was sentenced to seven years at Level 5, with levels of probation to follow. The Supreme Court affirmed Kostyshyn’s convictions and sentences on September 5, 2012, and issued its mandate on September 27, 2012.¹

2. Kostyshyn filed his first Motion for Postconviction Relief (Rule 61 Motion) on June 11, 2013, which this Court denied on January 26 2015. On September 14, 2015, the Supreme Court affirmed the denial of Kostyshyn’s Rule

¹ *Kostyshyn v. State*, 51 A.3d 416 (Del. 2012), *as corrected* (Sept. 5, 2012).

61 Motion.² The Supreme Court specifically noted that “Kostyshyn’s proliferation of litigation makes it challenging to monitor his conduct as a litigant,” and explicitly stated, “[f]or the sake of clarity, we note that the Superior Court has the discretion to adopt orders constraining any future abuse of the litigation process by Kostyshyn.”³

3. Before the Court are **thirty-one** (31) motions filed by Kostyshyn, seeking a variety of forms of relief in connection with case number 0908020496.⁴ For example, Kostyshyn filed a “Request for Dockets of All Cases,”⁵ “Request for Motion for All Docket Items and Evidentiary Hearing,”⁶ “Motion for Immediate Dismissal, Continuance, Appointment of Counsel and Joinder to Counter Suit,”⁷ “Motion for Evidentiary Hearing,”⁸ “Motion for Appointment of Counsel, Notice of Serving Subpoena’s for New Trial,”⁹ “Motion for Evidentiary Hearings, Motion to Disqualify Counsel, Appointment of Counsel to be Supplemented,”¹⁰ “Motion to Compel Facts,”¹¹ and a “Motions for Order Compelling DOC to Give

² *Kostyshyn v. State*, 2015 WL 5440194 (Del. 2015).

³ *Id.*

⁴ D.I. 303, 304, 305, 306, 308, 309, 310, 312, 313, 318, 319, 321, 322, 323, 325, 326, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342.

⁵ D.I. 303.

⁶ D.I. 306.

⁷ D.I. 312.

⁸ D.I. 319.

⁹ D.I. 331.

¹⁰ D.I. 332.

¹¹ D.I. 339.

Me My Legal Files, Supplies, for Appointment of Counsel, Motions for Sentence Reduction/Modification.”¹²

4. Kostyshyn’s relentless filings, which are largely incomprehensible, are legally frivolous and an abuse of judicial process. **WHEREFORE, IT IS HEREBY ORDERED THAT** Kostyshyn’s thirty-one (31) motions¹³ are **DENIED** and Kostyshyn is enjoined from filing any future claims concerning case number 0908020496 without first seeking leave of the Court.¹⁴

/s/Jan R. Jurden
Jan R. Jurden, President Judge

cc: Original—Prothonotary
Department of Justice
Defendant

¹² D.I. 342.

¹³ D.I. 303, 304, 305, 306, 308, 309, 310, 312, 313, 318, 319, 321, 322, 323, 325, 326, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342.

¹⁴ *Kostyshyn*, 2015 WL 5440194 (“[T]he Superior Court has the discretion to adopt orders constraining any future abuse of the litigation process by Kostyshyn.”). In 2013, the Supreme Court found that “Kostyshyn’s excessive, frivolous filings are abusive and have placed an undue burden on the court system,” and explicitly stated:

We reiterate that the Clerk of this Court is directed not to docket any future original *pro se* filings (writs or notices of appeal) from Kostyshyn relating to any of his existing criminal cases unless those filings are accompanied by the required Supreme Court filing fee or a properly notarized, fully compliant motion to proceed *in forma pauperis*.”

In re Kostyshyn, 2013 WL 4858992, ¶ 3 (Del. 2013), *reargument denied* (Sept. 11, 2013). *See also State v. Kostyshyn*, 2015 WL 4111752, at *1 (Del. Super. July 2, 2015) (enjoining Kostyshyn from filing any future claims concerning case number 0902010151 without first seeking leave of the Court).