

SUPERIOR COURT  
OF THE  
STATE OF DELAWARE

T. HENLEY GRAVES  
*RESIDENT JUDGE*

SUSSEX COUNTY COURTHOUSE  
1 THE CIRCLE, SUITE 2  
GEORGETOWN, DE 19947  
(302) 856-5257

March 7, 2014

Mr. Marvin J. McMillion  
SBI #163  
James T. Vaughn Correctional Center  
1181 Paddock Road  
Smyrna, DE 19977

RE: **State vs. Marvin McMillion**  
**ID #9312012871**

Dear Mr. McMillion:

On March 4, 2014 the Court received your fourth postconviction motion filed pursuant to Superior Court Criminal Rule 61 ("Rule 61").

You are currently serving a lengthy sentence arising from your 1994 convictions for Attempted Unlawful Sexual Intercourse in the First Degree (80-year-old victim); Robbery in the First Degree; Burglary in the First Degree; Unlawful Sexual Penetration; and Criminal Mischief. On direct appeal your convictions were affirmed.<sup>1</sup> You have filed three prior postconviction motions,

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<sup>1</sup>McMillion v. State, 660 A.2d 394 (Del. 1995).

all of which were denied and affirmed on appeal.<sup>2</sup>

You have previously alleged ineffective assistant of your trial attorney. In your present motion you allege trial counsel was ineffective.

Your fourth postconviction motion is procedurally barred as it comes too late, deals with claims that could have previously been made and have been previously adjudicated to the extent it overlaps with your previous complaints about your trial attorney.<sup>3</sup> Therefore the motion for postconviction is hereby denied.

IT IS SO ORDERED.

Very truly yours,

*/s/ T. Henley Graves*

T. Henley Graves

THG/ymp

pc: Prothonotary  
Department of Justice

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<sup>2</sup>McMillion v. State, 706 A.2d 26 (Del. 1998); McMillion v. State, 864 A.2d 929 (Del. 2004); McMillion v. State, 7 A.3d 485 (Del. 2010).

<sup>3</sup>Super. Ct. Crim. R. 61(i).