

SUPERIOR COURT
OF THE
STATE OF DELAWARE

RICHARD F. STOKES
JUDGE

SUSSEX COUNTY COURTHOUSE
1 THE CIRCLE, SUITE 2
GEORGETOWN, DE 19947
TELEPHONE (302) 856-5264

May 30, 2014

Harold W. Smith, Jr.
SBI# 002
S.C.I.
P.O. Box 500
Georgetown, DE 19947

RE: *State of Delaware v. Harold W. Smith, Jr.*, Def. ID# 9907005746 (R-2)

DATE SUBMITTED: May 27, 2014

Dear Mr. Smith:

Defendant Harold W. Smith, Jr. (“defendant”) has filed a motion for postconviction relief pursuant to Superior Court Criminal Rule 61 alleging ineffective assistance of counsel with regard to his violation of probation (“VOP”) hearing which took place on September 27, 2013.¹ As the Delaware Supreme Court has explained: “Because there is no constitutional right to counsel at a VOP hearing, ... [a defendant’s] purported ineffective assistance of counsel claim ... must fail.”²

¹The Supreme Court affirmed the Superior Court’s judgment in *Smith v. State*, 85 A.3d 89, 2014 WL 637057 (Del. Feb. 6, 2014).

²*Schoolfield v. State*, 73 A.3d 502, 2013 WL 3807471 (Del. July 18, 2013) (footnote and citation omitted).

Thus, defendant's motion for postconviction relief is denied.³

IT IS SO ORDERED.

Very truly yours,

/s/ Richard F. Stokes

Richard F. Stokes

cc: Prothonotary's Office
Department of Justice
Office of the Public Defender

³It is more efficient to dispose of this matter on the merits rather than examine the procedural bars which also would require denial of the motion.