

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

February 17, 2014

Bishop Cadelus
Worcester County Jail
P.O. Box 189
Snow Hill, MD 21863

RE: *State of Delaware v. Bishop Cadelus*, Def. ID# 0811014999 (R-2)

DATE SUBMITTED: January 16, 2014

Dear Mr. Cadelus:

Pending before the Court is the second motion of defendant Bishop Cadelus (“defendant”) seeking postconviction relief pursuant to Superior Court Criminal Rule 61 (“Rule 61”).¹ Defendant also requests the appointment of counsel. He seeks to overturn his conviction for possession with intent to distribute cocaine because he is about to be deported.

Defendant pled guilty to possession with intent to distribute cocaine on May 22, 2009. He was sentenced to Level 5 for ten years, suspended for 18 months of probation. On February 17, 2010, he was discharged from probation. Defendant is not in custody on this sentence nor is he subject to future custody on this sentence. As this Court previously ruled,² because defendant is

¹Defendant cites to non-existent statutes and rules as support for his motion. The motion is treated as one for postconviction relief pursuant to Rule 61.

²*State v. Cadelus*, 2013 WL 4776731 (Del. Super. Sept. 4, 2013).

not in custody or subject to future custody, he has no standing to seek postconviction relief.³

Because he has no standing to seek relief, he is not entitled to the appointment of counsel.

Consequently, the motions for relief and for appointment of counsel are denied.⁴

IT IS SO ORDERED.

Very truly yours,

/s/ Richard F. Stokes

Richard F. Stokes

cc: Prothonotary's Office
Department of Justice

³*Ruiz v. State*, 23 A.3d 866, 2011 WL 2651093 (Del. July 6, 2011) (TABLE).

⁴This decision addresses defendant's motion (Docket Entry 36) and letter requesting relief (Docket Entry 37).