

SUPERIOR COURT  
OF THE  
STATE OF DELAWARE

E. SCOTT BRADLEY  
JUDGE

1 The Circle, Suite 2  
GEORGETOWN, DE 19947

February 20, 2013

STATE MAIL – N440  
Lakisha L. Short  
SBI # 34  
660 Baylor Blvd  
New Castle, DE 19720

RE: *State of Delaware v. Lakisha L. Short*  
*Def. ID # 0308021919A*

**Memorandum Opinion - Motion for Postconviction Relief**

Date Submitted: January 28, 2013

Dear Ms. Short:

This is my decision on your second Motion for Postconviction Relief. You were convicted of one count of Robbery in the First Degree, one count of Aggravated Menacing, and two counts of Possession of a Firearm During the Commission of a Felony (“PFDCF”). The convictions arose out of your robbery of King’s Market, a small convenience store near Lincoln, Delaware. The State filed a motion to declare you an habitual offender with respect to the one count of Robbery in the First Degree and one of the two counts of PFDCF. I granted the State’s motion and sentenced you

to a total of 60 years at supervision level five, suspended after serving 55 years at supervision level five for one year at supervision level three. The Supreme Court affirmed your convictions.<sup>1</sup> I denied your first Motion for Post conviction Relief.<sup>2</sup>

You filed your second Motion for Postconviction Relief on September 11, 2012. You allege that (1) your due process rights were violated because of various alleged deficiencies in the manner in which you were sentenced as an habitual offender, (2) the prohibition against double jeopardy was violated because some of the offenses that you were convicted of should have merged together, (3) your sentence amounts to cruel and unusual punishment, and (4) your attorney did not effectively represent you because he did not address the first three allegations. I note that, in one fashion or other, you raised very similar, if not identical, allegations in your first Motion for Postconviction Relief. In any event, all of your allegations, regardless of how you have characterized them, are untimely and could have been raised in either your direct appeal or in your first Motion for Postconviction Relief. Therefore, your second Motion for Postconviction Relief is barred by Superior Court Criminal Rule 61(i)(1) - (3). While there are exceptions to these procedural bars, you have not alleged any facts that would entitle you to the benefit of these exceptions.

---

<sup>1</sup> *Short v. State*, 865 A.2d 512 (Del. 2004).

<sup>2</sup> *State v. Short*, 2005 WL 2841613 (Del. Super. 2005).

Therefore, I have denied your second Motion for Postconviction Relief.

IT IS SO ORDERED.

\_\_\_\_\_  
*/s/ E. Scott Bradley*  
E. Scott Bradley

ESB/sal

cc: Peggy J. Marshall, Esquire  
James D. Nutter, Esquire  
Prothonotary