IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

IN AND FOR NEW CASTLE COUNTY

STATE OF DELAWARE	)	
	)	
v.	)	ID: 9508006900
	)	
JAMES R. HAMILTON,	)	
	)	
Defendant.	)	

ORDER

Upon Defendant's Motion for Postconviction Relief –
DENIED.

Defendant is not in custody, nor subject to further imprisonment in this case. Therefore, he is not entitled to relief under Superior Court Criminal Rule 61.[1]

IT IS SO ORDERED.

Date: January 7, 2015 /s/ Fred S. Silverman
Judge

oc: Prothonotary (Criminal)
pc: Joseph S. Grubb, Deputy Attorney General
James R. Hamilton, Defendant

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[1] *See Ruiz v. State*, 956 A.2d 643 (Del. 2008) ("[A] person loses standing to move for postconviction relief under Rule 61 where the defendant is not in custody or subject to future custody for the underlying offense or challenged sentence."); *see also*, *State v. Cammille*, 2014 WL 2538491 (Del. Super. June 3, 2014) (dismissing defendant's motion for postconviction relief under Rule 61 because he was discharged from probation, he satisfied his financial obligations, and the case was closed).