

**IN THE SUPERIOR COURT OF THE STATE OF DELAWARE**  
**IN AND FOR NEW CASTLE COUNTY**

STATE OF DELAWARE	)	
	)	
v.	)	I.D. #0305005239
	)	
RYANT N. HARRIS A/K/A	)	
LYNN HARRIS,	)	
	)	
Defendant	)	
	)	

Submitted: March 22, 2006  
Decided: June 13, 2006

Upon Defendant's Motion for Postconviction Relief.  
**SUMMARILY DISMISSED.**

**ORDER**

Stephen M. Walther, Esquire, Deputy Attorney General, Department of Justice, Wilmington, Delaware, Attorney for the State.

Ryant N. Harris a/k/a Lynn Harris, Smyrna, Delaware, *pro se*.

COOCH, J.

This 13<sup>th</sup> day of June, 2006, upon consideration of Defendant's motion for postconviction relief, it appears to the Court that:

1. Ryant N. Harris a/k/a Lynn Harris ("Defendant")<sup>1</sup> was found guilty and convicted, after a bench trial on February 19, 2004, of Attempted

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<sup>1</sup> It is not clear from the record or the caption precisely what Defendant's name is.

Robbery First Degree, Possession of a Firearm During the Commission of a Felony, and Conspiracy Second Degree. On April 23, 2004, Defendant was sentenced to a total of 10 years at Level V, followed by 3 years at decreasing levels of supervision. Defendant appealed his conviction on four grounds: (1) that the State failed to prove its case beyond a reasonable doubt, (2) that the police lacked reasonable suspicion for the initial stop, (3) that his Miranda rights were violated when the police, with weapons drawn, asked Defendant if he had any weapons on him, and (4) that trial counsel provided ineffective assistance.<sup>2</sup> On April 11, 2005, the Delaware Supreme Court affirmed the convictions.<sup>3</sup>

2. Defendant filed this timely motion for postconviction relief pursuant to Superior Court Criminal Rule 61 on March 22, 2006. Defendant alleges similar, if not the exact same, grounds for postconviction relief as the grounds brought upon direct appeal. These grounds are set forth here *in toto*:

1. State fail [sic] to produce substantive evidence and/or prove their case beyond a reasonable doubt and meet the prerequisite's [sic] to support the conviction under the corpus delicti rule and the said statutes [sic] of title 11301 and 222(5).

Supporting facts: Whether the state failed to provide [sic] their case beyond a reasonable doubt under the corpus delicti rule to support the conviction for attempted robbery with a deadly weapon charge. In their case in chief deprived the defendant to a fair trial under the 5<sup>th</sup>

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<sup>2</sup> *Harris v. State*, 2005 WL 850421 (Del. Supr.).

<sup>3</sup> *Id.* (affirming trial court's decisions regarding the first three issues brought by defendant on appeal and declining to consider defendant's ineffective assistance of counsel claim).

Amendment plus denial of his due process rights under the 14<sup>th</sup> Amendment.

2. Officers lack for investigatory stop.

Supporting facts: Whether the police had reasonable and articulable suspicion for investigatory stop of the defendant, violated his usca Amend 4 [sic] and Del,C Annotated Article 1 [sic] – 6 of title 11 Del c, 1902 [sic].

3. Officer failed to read Miranda Right time of arrest [sic].

Supporting facts: Whether the defendant 5<sup>th</sup> Amendment Right were violated by police when failed to administer defendant Miranda warning [sic] at time he was arrested and taken into custody.

4. Ineffective assistance of counsel.

Supporting facts: Whether counsel was ineffective when he failed to file a timely notice of appeal, which is his continued obligation pursuant to the Supreme Court rule 26A [sic] in violation of his 6<sup>th</sup> Amendment plus 14<sup>th</sup> Amendment due process rights.

Upon review of Defendant’s motion, all of the above grounds are conclusory and, thus, the motion is **SUMMARILY DISMISSED**.

3. Superior Court Criminal Rule 61(d)(4) provides that “[i]f it plainly appears from the motion for postconviction relief and the record of prior proceedings in this case that the movant is not entitled to relief, the judge may enter an order for its summary dismissal and cause the movant to be notified.” Defendant’s motion for postconviction relief will be summarily dismissed where no facts supporting Defendant’s contentions are offered and the claims are conclusory.<sup>4</sup>

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<sup>4</sup> *State v. Cooper*, 2001 WL 1729147 (Del. Super.) (summarily dismissing defendant’s claims of false testimony and ineffective assistance of counsel as defendant did not offer supporting facts and the claims were conclusory). *See also Jordan v. State*, 1994 WL 466142 (Del. Supr.); *State v. Brittingham*, 1994 WL 750341, \* 2 (Del. Super.) (citing *Younger v. State*, 580 A.2d at 556 (holding that conclusory allegations are legally insufficient to prove ineffective assistance of counsel)).

4. Regardless of the fact that the grounds brought by Defendant in this instant motion are almost mirror images of the issues brought on direct appeal, Defendant's contentions here are completely conclusory as they are not supported by any facts in the record nor by any case law brought to the Court's attention by Defendant. They are merely reiterations of the issues already decided by the Delaware Supreme Court. Thus, Defendant's first three claims are **SUMMARILY DISMISSED**.

5. The one issue not decided by the Supreme Court, Defendant's ineffective assistance of counsel claim, is also conclusory because it points to no facts or case law in support. Thus, Defendant fourth ground for postconviction relief is conclusory and is **SUMMARILY DISMISSED**.

6. For the reasons stated, Defendant's Motion for Postconviction Relief is **SUMMARILY DISMISSED**.

**IT IS SO ORDERED.**

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Richard R. Cooch, J.

oc: Prothonotary  
cc: Investigative Services  
William T. Deely, Esquire