

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

STATE OF DELAWARE,	)	
	)	
	)	
v.	)	ID#: 1102019188
	)	
JOSHUA N. JONES,	)	
Defendant.	)	

**ORDER**

**Upon Defendant's Second Motion for Postconviction Relief –  
*SUMMARILY DISMISSED, as Frivolous.***

1. On March 27, 2013, the court summarily dismissed Defendant's first motion for postconviction relief. Instead of taking an appeal, Defendant, on April 1, 2014, filed a motion for discovery and inspection, which was denied on April 7, 2014. That motion was legally and factually frivolous.

2. Also on April 1, 2014, Defendant filed this, his second motion for postconviction relief. The motion merely is a reprise of his first motion, except this time Defendant also moved for appointment of counsel.

3. Defendant, however, did not take a direct appeal from his conviction and sentencing, the latter having occurred on February 3, 2012. Nor did Defendant request appointment of a second attorney in connection with his first

motion for postconviction of relief. And, again, Defendant did not take an appeal from his first motion for postconviction relief's denial. At this point, Defendant's request for counsel comes too late.

4. The court has preliminarily reviewed Defendant's second motion for postconviction relief, which was properly referred,<sup>1</sup> and it appears previously adjudicated or procedurally defaulted. Further, Defendant has not attempted to show cause and prejudice.<sup>2</sup>

5. It remains undisputed that the State had a videotape of Defendant raping a young child, and he confessed. When he pleaded guilty, Defendant repeatedly admitted his actual guilt, and he had no complaints about his lawyer. By pleading guilty Defendant avoided all but certain conviction on crimes that would have caused him, in effect, to be sentenced to die in prison. All of this was discussed in the order denying Defendant's first motion for postconviction relief. Moreover, if Defendant's motion were granted, he is not entitled to a better plea, much less to go free. Most likely, he simply would be convicted at trial and die in prison. So much for prejudice.

---

<sup>1</sup> Super. Ct. Crim. R. 61(d)(1).

<sup>2</sup> Super. Ct. Crim. R. 61(i).

6. For the reasons presented in the order denying Defendant's first motion for postconviction relief and mentioned above, it does not appear that further review is warranted in the interest of justice, nor to correct any error in the proceedings, Constitutional or otherwise.<sup>3</sup> Accordingly, Defendant's second motion for postconviction relief is **SUMMARILY DISMISSED**.

Furthermore, considering how Defendant's claims were previously adjudicated and he took no appeal, his re-presenting those claims is frivolous. Defendant made no effort to address the obvious infirmities in this motion, which were pointed-out in the order denying the first motion for postconviction relief. The Prothonotary **SHALL** notify the Defendant.

**IT IS SO ORDERED.**

Date: May 8, 2014

/s/ Fred S. Silverman  
Judge

PC: Prothonotary (Criminal Division)  
Sarita R. Wright, Deputy Attorney General  
Joshua N. Jones, Defendant

---

<sup>3</sup> Super. Ct. Crim. R. 61(i)(5).