

SUPERIOR COURT
OF THE
STATE OF DELAWARE

CRAIG A. KARSNITZ,
JUDGE

SUSSEX COUNTY COURTHOUSE
1 THE CIRCLE, SUITE 2
GEORGETOWN, DE 19947
TELEPHONE (302) 856-5263

November 5, 2019

Tyrone Majette
SBI# 7344147
James T. Vaughn Correctional Center
1181 Paddock Road
Smyrna, DE 19977

Re: *State of Delaware v. Tyrone Majette*, Cr. Nos. 1304020306 & 1301018022
(R-3)

Dear Mr. Majette:

On September 25, 2019, you filed your third motion for postconviction relief under Superior Court Rule Criminal Rule 61 with respect to the above-referenced matters. I am considering two (2) filings at this time:

Motion for Postconviction Relief filed September 25, 2019
Motion for Appointment of Counsel filed September 25, 2019

Superior Court Criminal Rule 61(d)(2) provides:

“A second or subsequent motion under this rule shall be summarily dismissed, unless the movant was convicted after a trial and the motion either: (i) pleads with particularity that new evidence exists that creates a strong inference that the movant is actually innocent in fact of the acts underlying the charges of which he was convicted; or (ii) pleads with particularity a claim that a new rule of constitutional law, made retroactive to cases on collateral review by

the United States Supreme Court or the Delaware Supreme Court, applies to the movant's case and renders the conviction or death sentence invalid."

Superior Court Criminal Rule 61(e)(5) provides:

"For an indigent movant's second or subsequent postconviction motion, the judge may appoint counsel for an indigent movant only if the judge determines that the second or subsequent motion satisfies the pleading requirements of [Superior Court Criminal Rule 61(d)(2), set forth above]."

You have failed to meet these Rule 61 standards. Your motion for postconviction relief and your motion for appointment of counsel are procedurally barred. Therefore, both of your Rule 61 motions must be DENIED as procedurally barred.

IT IS SO ORDERED.

Very truly yours,



Craig A. Karsnitz

cc: Prothonotary's Office
Department of Justice

FILED PROTHONOTARY
SUSSEX COUNTY
2019 NOV -5 A 10: 03