

**IN THE SUPERIOR COURT OF THE STATE OF DELAWARE**

STATE OF DELAWARE )  
 )  
 v. ) ID No. 2210001670  
 )  
 NEHEMIAH P. JACKSON )  
 )  
 Defendant. )

**ORDER DENYING MOTION FOR APPOINTMENT  
OF POSTCONVICTION COUNSEL**

**AND NOW TO WIT**, this 7th day of August, 2024, the Court having duly considered Nehemiah P. Jackson’s (“Jackson”) Motion for Appointment of Counsel and the Record, **IT APPEARS THAT**:

(1) On September 22, 2023, Jackson pled guilty to one count of Manslaughter and one count of Possession of a Firearm During the Commission of a Felony (“PFDCF”).<sup>1</sup> On October 3, 2023, the Court sentenced Jackson as follows: for Manslaughter, 12 years at Level V, suspended after 5 years at Level V for 3 years at Level IV, suspended after 6 months at Level IV for 18 months and Level III; and for PFDCF, 10 years at Level V, suspended after 5 years at Level V for 2 years at

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<sup>1</sup> D.I. 32.

Level III.<sup>2</sup> Jackson was sentenced to a total of 10 years of unsuspended Level V time.<sup>3</sup>

(2) Jackson did not file a direct appeal.

(3) On June 21, 2024, Jackson filed a *pro se* motion for postconviction relief,<sup>4</sup> and a Motion for Appointment of Counsel.<sup>5</sup>

(4) Pursuant to Superior Court Criminal Rule 61(e)(2):

The judge shall appoint counsel for an indigent movant's first timely postconviction motion and request for appointment of counsel if the motion seeks to set aside: (i) a judgment of conviction after a trial that has been affirmed by final order upon direct appellate review and is for a crime designated as a class A, B, or C felony under 11 *Del. C.* § 4205(b); (ii) a judgment of conviction after a trial that has been affirmed by final order upon direct appellate review and resulted in the imposition of a life sentence under 11 *Del. C.* § 4214; or (iii) a sentence of death.<sup>6</sup>

(5) Because Jackson pled guilty and did not file a direct appeal he fails to satisfy Rule 61(e)(2)(i).<sup>7</sup>

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<sup>2</sup> D.I. 36.

<sup>3</sup> *Id.*

<sup>4</sup> D.I. 37.

<sup>5</sup> D.I. 38.

<sup>6</sup> Super. Ct. Crim. R. 61(e)(2).

<sup>7</sup> Jackson does not meet the criteria set forth in Rule 61(e)(4) for the same reasons. *See* Super. Ct. Crim R. 61(e)(4) (“The judge may appoint counsel for any other first postconviction motion only if the judge determines that: (i) the motion is an indigent movant's first timely postconviction motion and request for appointment of counsel; (ii) *the motion seeks to set aside a judgment of conviction after a trial that has been affirmed by final order upon direct appellate review*; (iii) the motion sets forth a substantial claim that the movant received ineffective assistance of trial or appellate counsel; (iv) the motion sets forth a substantial claim that the movant is in custody in violation of the United States Constitution or the Delaware Constitution; (v) granting the motion

**WHEREFORE**, Jackson's Motion for Appointment of Postconviction Counsel is **DENIED**.

/s/ Jan R. Jurden  
Jan R. Jurden, President Judge

Original to Prothonotary  
cc: Ipek Kurul, Esq., DAG  
Nehemiah Jackson

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would result in vacatur of the judgment of conviction for which the movant is in custody; *and* (vi) specific exceptional circumstances warrant the appointment of counsel.”) (emphasis added).