

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

STATE OF DELAWARE,	)	
	)	
v.	)	I.D. # 30604822DI
	)	
CRAIG JACKSON,	)	
	)	
Defendant.	)	

Date Submitted: February 19, 2008  
Date Decided: April 30, 2008

**OPINION**

*Defendant's Pro Se Motion for Postconviction Relief*  
**DENIED.**

Craig Jackson, Delaware Correctional Center, Paddock Road, Smyrna,  
Delaware 19977, Defendant, *pro se*.

Richard Andrews, Esquire, Dept. of Justice, 820 North French St., 6<sup>th</sup> Floor,  
Wilmington, DE 19801

JURDEN, J

## **I. INTRODUCTION**

By his motion for postconviction relief, Defendant seeks to withdraw his guilty plea of Unlawful Sexual Intercourse in the Second Degree or, in the alternative, he asks this Court to vacate his mandatory life sentence. The Defendant claims that Defense Counsel was ineffective and that the decision in *Evans v. State*<sup>1</sup> violates his due process rights. Because his claims are procedurally barred, Defendant's motion for postconviction relief is **DENIED.**

## **II. BACKGROUND**

In January 1987, Defendant Craig Jackson ("Jackson") entered into a plea agreement with the State after he was indicted on charges of Unlawful Sexual Intercourse in the First Degree, Rape in the First Degree, and Unlawful Sexual Penetration in the Third Degree, all with respect to his seven-year-old stepdaughter, and Unlawful Sexual Intercourse in the Second Degree with respect to his older stepdaughter.<sup>2</sup> On February 27, 1987, Jackson pled guilty to Unlawful Sexual Intercourse in the Second Degree, a lesser-included offense of Unlawful Sexual Intercourse in the First Degree, as to his seven year old stepdaughter.<sup>3</sup> In return, the State dropped all of the remaining charges. He was sentenced to a mandatory term of life

---

<sup>1</sup> 918 A.2d 1170 (Del. 2005).

<sup>2</sup> See *Jackson v. State*, 548 A.2d 778 (Del. 1988).

<sup>3</sup> Plea Agreement, Docket Item ("D.I.") 4.

imprisonment.<sup>4</sup> On March 21, 1988, this Court denied his *pro se* motion for postconviction relief.<sup>5</sup> The Delaware Supreme Court affirmed on October 7, 1988.<sup>6</sup> On February 19, 2008, he filed the current *pro se* motion for postconviction relief.<sup>7</sup>

### III. DISCUSSION

Jackson first claims that his life sentence should be vacated because Defense Counsel did not adequately inform him that by pleading guilty to Unlawful Sexual Intercourse in the Second Degree, he would receive a mandatory life sentence. This is the same ineffective assistance of counsel claim that Jackson made in his first motion for postconviction relief.<sup>8</sup> This Court denied the claim and the Supreme Court affirmed.<sup>9</sup> Accordingly, it is **SUMMARILY DISMISSED** as formerly adjudicated under Rule 61(i)(4).<sup>10</sup>

Jackson next argues that his due process rights were violated by the Delaware Supreme Court's ruling in *Evans v. State*<sup>11</sup> because it unforeseeably enhanced his life sentence. Rule 61(i)(1) precludes Jackson's

---

<sup>4</sup> Order of Judgment, D.I. 6.

<sup>5</sup> See *Jackson*, 548 A.2d 778 (Del. 1988).

<sup>6</sup> Mandate, D.I. 12.

<sup>7</sup> Def. Mot. for Postconviction Relief, D.I. 13.

<sup>8</sup> Def. Mot. for Postconviction Hearing and Relief, D.I. 8.

<sup>9</sup> See *Jackson v. State*, 548 A.2d 778 (Del. 1988) (“...there is clearly no merit to defendant Jackson's contention that he was uninformed as to the consequence of his plea of guilty to the lesser included offense”).

<sup>10</sup> Super. Ct. Crim. R. 61(i)(4).

<sup>11</sup> 918 A.2d 1170.

claim because he raises it twenty one years after his sentence was imposed, which is more than the three year period permitted by Rule 61(i)(1).<sup>12</sup>

In order to survive procedural default, Jackson relies on the interest of justice exception under Rule 61(i)(5).<sup>13</sup> To succeed, Jackson must show that “subsequent legal developments have revealed that the trial court lacked authority to convict or punish him.”<sup>14</sup> He fails to do so.

Jackson claims that the Delaware Supreme Court’s 2005 decision in *Evans* imposed “a greater life sentence than what was explained to [him at his] sentencing hearing.”<sup>15</sup> Jackson does not, however, specify how that ruling enhances his sentence. Under *Evans*, Jackson is incarcerated until his natural death unless he is granted parole. Any good time credits that he earns may be applied to accelerate his parole eligibility date, not to shorten his sentence. Jackson’s predicament is consistent with what was explained to him during his plea colloquy.<sup>16</sup> Furthermore, *Evans* is not a new retroactive right for the purposes of Rule 61(i)(1) because it was decided more than three years ago. Therefore, in order to protect the integrity of the

---

<sup>12</sup> Jackson’s claims are not subject to the amendment to Rule 61 that bars all claims filed more than *one year* after the judgment of conviction is final, as this amendment applies to cases in which the judgment of conviction became final after July 1, 2005. See Super. Ct. Crim. R. 61(i)(1).

<sup>13</sup> Super. Ct. Crim. R. 61(i)(5).

<sup>14</sup> *Flamer v. State*, 585 A.2d 736, 746 (Del. 1994).

<sup>15</sup> Def. Mot. for Postconviction Relief, D.I. 13.

<sup>16</sup> See Transcript of Sentencing, D.I. 7.

procedural rules, the Court will not consider the merits of this claim.

Accordingly, this claim is also **SUMMARILY DISMISSED**.

\* \* \*

For the above mentioned reasons, Jackson's Motion for Postconviction Relief pursuant to Superior Court Criminal Rule 61, is hereby **DENIED**.

**IT IS SO ORDERED.**

---

Jan. R. Jurden, Judge

