

SUPERIOR COURT  
OF THE  
STATE OF DELAWARE

John E. Babiarz, Jr.  
Judge

New Castle County Courthouse  
500 North King Street, Suite 10400  
Wilmington, Delaware 19801

May 6, 2008

Kevin L. Robinson  
Delaware Correctional Center  
1181 Paddock Road  
Smyrna, DE 19977

**RE: *State of Delaware v. Kevin L. Robinson***  
**I.D. No. 30005393DI**

Dear Mr. Robinson:

I have received your Motion for Postconviction Relief in which you seek an evidentiary hearing on the question of ineffective assistance of counsel. In 1991, you pled guilty to one count of Unlawful Sexual Intercourse, and you were sentenced to life in prison.

Your motion alleges that you were denied effective representation in the early stages of plea negotiations. You assert that the fact that you are deaf suffices to override the time bar, which precludes the Court from considering a claim that is not made within three years of the date your conviction became final.<sup>1</sup> The record shows

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<sup>1</sup>At the time of your conviction, Rule 61 (i)(1) barred from consideration a motion filed more than three years after the judgment of conviction became final. Effective July 1, 2005, Rule 61(i)(1) the cut off to file a postconviction relief motion is one year.

that an interpreter assisted you in the courtroom proceedings, and the plea agreement reflects your awareness of the maximum penalty for your crime. You do not deny these facts but assert that you regretted pleading guilty because you did not get the sentence you wanted. You have not shown a miscarriage of justice warranting an exception to the time bar.<sup>2</sup> Your motion is *Summarily Dismissed*.

***It Is So ORDERED.***

Very truly yours,

Judge John E. Babiarz, Jr.

JEB,jr/bjw  
Original to Prothonotary

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<sup>2</sup>The time bar may be lifted if a defendant makes a colorable claim that there was a miscarriage of justice that undermined the fairness of the proceedings. Rule 61(i)(5).