IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

STATE OF DELAWARE	:	
	:	
vs.	:	ID #2402004666
	:	2405010706
AZZURE HORSEY,	:	
	:	
Defendant.	:	
	:	

ORDER

Submitted: November 4, 2026
Decided: November 16, 2026

Now this 16th day of November, 2026, after reviewing the Postconviction Relief Motion filed by Defendant, Azzure Horsey, the Court finds that:

1. Superior Court Criminal Rule 61(i) sets forth four bars to relief. The first bar reads in pertinent part "[a] Motion for Postconviction Relief may not be filed more than one year after the judgment of conviction is final. . . ."[1] If a Postconviction Relief claim is procedurally barred, the Court will not consider the merits of the claim.[2]
2. On February 13, 2024, the Defendant was indicted on charges including Murder First Degree and related charges. On May 28, 2024, the Defendant was indicted on three (3) counts of Assault in a Detention Facility.

[1] Super. Ct. Crim. R. 61(i)(1).
[2] *Younger v. State*, 580 A.2d 552, 554 (Del. 1990).

3. On March 27, 2025, the Defendant pled guilty to Manslaughter, Possession of a Firearm During the Commission of a Felony (2 counts), Assault First Degree, Conspiracy Second Degree, and Assault in a Detention. At sentencing on June 13, 2025, he was sentenced to eighteen (18) years at level five followed by decreasing levels of supervision.
4. On August 25, 2025, Defendant filed a Motion for Sentence Reduction (D.I. 83). The Court denied that motion on September 9, 2025 (D.I. 84).
5. On September 10, 2026, Defendant filed a document indicating "a notice of appeal was filed to the prothonotary along with requesting postconviction counsel. Aug. 19, I sent my family member (sic) to verify it was docketed but due to me not hearing back, it was not. This letter is to request counsel. . . ." (D.I. 87). In that document Defendant requested all materials and wanted to know why charges were not filed again a deon (sic) Godwin. The Court responded to Defendant's letter on September 24, 2026, (D.I. 88), advising since he has not filed a Motion for Postconviction Relief he was not entitled to appointment of counsel among other things.
6. On October 21, 2026, Defendant filed another letter indicating he was "trying to file a postconviction motion and I am Barred (sic) on some of my Grounds (sic) Because Ive (sic) tried (sic) to get sentencing transcrips

(sic) for over a year now." (D.I. 30). The Court responded on October 26, 2026, by sending him packets to file motions with the Court.

7. On November 14, 2026, Defendant filed a Motion for Postconviction Relief and requested counsel be appointed. In the motion the Defendant asserts a speedy trial violation, Miranda Rights violation, illegal search and seizure, and "Hearsay at Sentencing." (D.I. 92 and 93).

8. The purpose of Rule 61 is to correct errors during the trial process, "not to allow Defendants unlimited opportunities to relitigate their convictions."[3] When a Defendant seeks to invalidate a guilty plea conviction the Defendant must contend with a "presumption of regularity."[4] Therefore, the Defendant has the burden of proving that his plea was not supported by a "sufficient factual and legal basis."[5]

9. Again, Rule 61(i)(1) requires that Motions for Postconviction Relief be filed within one (1) after the judgment of conviction is final. In this case, the Defendant entered his plea on March 27, 2025, and was sentenced on June 13, 2025. Therefore, his conviction became final on July 13, 2025. Thus, Defendant's Motion for Postconviction Relief is procedurally barred

[3] *Ploof v. State*, 75 A.3d 811, 820 (Del. 2013).
[4] *Xenidis v. State*, 2020 WL, 1274624, at *2 (Del. Mar. 17, 2020) (TABLE).
[5] Super. Ct. Crim. R. 61(a)(1), See, e.g., *Dorsey v. State*, 2007 WL 4965637, at *1-2 (Del. Nov. 6, 2007).

as untimely. The Court will not consider Defendant's claims on the merits.[6]

10. The Defendant does not assert that the time bar is inapplicable pursuant to Rule 61 (i)(5).

11. As mentioned above the Defendant's Motion was untimely filed and therefore procedurally barred. Consequently, the Defendant's request for appointment of postconviction counsel is **MOOT**.

12. For the reasons stated above, Defendant's Motion for Postconviction Relief is **DENIED** and his Motion for Appointment of Counsel is DENIED as **MOOT**.

IT IS SO ORDERED.

/s/ Mark H. Conner
Mark H. Conner, Judge

xc: Prothonotary
Alexis Gatti, Deputy Attorney General
Azzure Horsey, Defendant

[6] *Younger*, 580 A.2d at 554.