

IN THE SUPREME COURT OF THE STATE OF DELAWARE

JAPHIS LAMPKINS, SR.,	§
	§
Defendant Below,	§ No. 440, 2016
Appellant,	§
	§ Court Below—Superior Court
v.	§ of the State of Delaware
	§
STATE OF DELAWARE,	§ Cr. ID. No. 80001076DI
	§
Plaintiff Below,	§
Appellee.	§

Submitted: January 24, 2017  
Decided: February 27, 2017

Before **HOLLAND, VALIHURA, and VAUGHN**, Justices.

**ORDER**

This 27<sup>th</sup> day of February 2017, after careful consideration of the parties’ briefs and the record below, we find it manifest that the Superior Court’s opinion, dated August 11, 2016, should be affirmed.<sup>1</sup> The Superior Court did not err in summarily dismissing the appellant’s third motion for postconviction relief because it was procedurally barred and failed to plead with particularity a claim that: (i) new evidence existed creating a strong inference that he was actually innocent; or (ii) a new rule of constitutional law made retroactive to cases on

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<sup>1</sup> *State v. Lampkins*, 2016 WL 4251155 (Del. Aug. 11, 2016).

collateral review rendered his convictions invalid.<sup>2</sup> We also conclude that the Superior Court did not err in denying the appellant's motion for transcripts.

NOW, THEREFORE, IT IS ORDERED that the motion to affirm is GRANTED and the judgment of the Superior Court is AFFIRMED.

BY THE COURT:

/s/ Karen L. Valihura  
Justice

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