

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

STATE OF DELAWARE	)		
	)		
	)		
v.	)	Case ID No.:	30604628DI
	)		30901716DI
	)		
BENJAMIN F. WHITEMAN	)		
	)		
Defendant.	)		

**ORDER**

**AND NOW TO WIT**, this 13<sup>th</sup> day of March, 2017, upon consideration of Defendant Benjamin F. Whiteman (“Defendant”)’s Motion to Reconsider this Court’s September 28, 2016 Order, the sentence imposed, and the record in this case, it appears to the Court that:

1. Defendant was sentenced to life imprisonment in 1989. Defendant has since filed in excess of twelve postconviction relief motions challenging his sentence. Multiple opinions of this Court, the Supreme Court, and U.S. District Court have affirmed his sentence.

2. On March 10, 2017, the Supreme Court affirmed this Court’s September 28, 2016 denial of Defendant’s Rule 35(a) Motion for Correction of an

Illegal Sentence.<sup>1</sup> While that appeal was pending, Defendant filed a Motion to Reconsider this Court's Order on October 11, 2016.<sup>2</sup> In this Motion, he requests that this Court reconsider its Order "in the interest of justice."<sup>3</sup>

3. The Supreme Court, in its March 10, 2017 Order, enjoined Defendant from "proceeding in the Court on any claim related to his 1989 sentence. Any request by Whiteman to invoke the Court's appellate or original jurisdiction in any matter concerning his 1989 sentence must be accompanied by a sworn affidavit containing the certifications required by 10 *Del. C.* § 8803(e)."<sup>4</sup>

4. Accordingly, this Court denies Defendant's Motion to Reconsider this Court's September 28, 2016 Order denying his Rule 35(a) Motion. The multiple orders of this Court and the Supreme Court upholding the validity of his sentence form the "law of the case."<sup>5</sup> Defendant's "untimely, repetitive, and frivolous filings constitute abuse of the judicial process."<sup>6</sup> Therefore, "in the interest of justice," this Court denies Defendant's October 11, 2016 Motion to Reconsider the September 28, 2016 Order denying his Rule 35(a) Motion.

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<sup>1</sup> See *Whiteman v. State*, No. 501, 2016, Cr. ID No. 30604628DI, at \*1 (Del. Supr. Mar. 10, 2017).

<sup>2</sup> See D.I. #111 (filed Oct. 11, 2016).

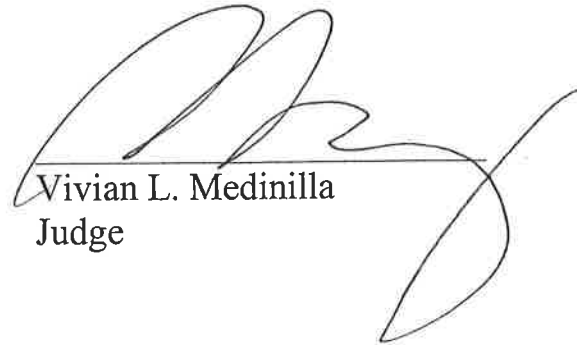
<sup>3</sup> *Id.*

<sup>4</sup> *Whiteman*, No. 501, 2016, Cr. ID No. 30604628DI, at \*2-3.

<sup>5</sup> See *State v. Wright*, 131 A.3d 310, 320-24 (Del. 2016) (discussing "law of the case" doctrine).

<sup>6</sup> *Whiteman*, No. 501, 2016, Cr. ID No. 30604628DI, at \*2.

**IT IS SO ORDERED** that Defendant's Motion to Reconsider this Court's  
September 28, 2016 Order is **DENIED**.



Vivian L. Medinilla  
Judge

oc: Prothonotary  
cc: Defendant  
Department of Justice  
Office of Defense Services  
Investigative Services Office