

IN THE SUPREME COURT OF THE STATE OF DELAWARE

| | |
|--------------------|------------------------------|
| DAVID BUCHANAN, | § |
| | § |
| Defendant Below- | § No. 545, 2014 |
| Appellant, | § |
| | § |
| v. | § Court Below—Superior Court |
| | § of the State of Delaware, |
| STATE OF DELAWARE, | § in and for Sussex County |
| | § Cr. ID 0801031784 |
| Plaintiff Below- | § |
| Appellee. | § |

Submitted: October 8, 2014
Decided: November 21, 2014

Before **STRINE**, Chief Justice, **RIDGELY**, and **VALIHURA**, Justices.

ORDER

This 21st day of November 2014, after careful consideration of appellant David Buchanan’s opening brief and the State’s motion to affirm, we find it manifest that the judgment below should be affirmed on the basis of the Superior Court’s well-reasoned decision dated September 16, 2014. The Superior Court did not err in summarily dismissing Buchanan’s fourth motion for postconviction relief because the motion failed to plead with particularity a claim that (i) new evidence exists that creates a strong inference that Buchanan is actually innocent; or (ii) a new rule of constitutional law made retroactive to cases on collateral review renders his convictions invalid.¹

¹ Del. Super. Ct. R. 61(d)(2) (effective June 4, 2014).

As the Superior Court noted, Buchanan's petition restates the same arguments that he has raised in prior petitions. We have invested considerable time detailing the reasons why these claims are barred. We will not continue to invest scarce judicial resources to address his untimely, repetitive, previously adjudicated claims. We encourage Buchanan to be mindful of Rule 61(j) before filing any further frivolous petitions in the Superior Court.

NOW, THEREFORE, IT IS ORDERED that the judgment of the Superior Court is AFFIRMED.

BY THE COURT:

/s/ Karen L. Valihura
Justice