

IN THE SUPREME COURT OF THE STATE OF DELAWARE

FRED T. CALDWELL,	§
	§ No. 152, 2015
Defendant Below-	§
Appellant,	§
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware,
STATE OF DELAWARE,	§ in and for Kent County
	§ Cr. ID 0207018104B
Plaintiff Below-	§
Appellee.	§

Submitted: June 18, 2015
Decided: August 19, 2015

Before **STRINE**, Chief Justice; **VALIHURA** and **SEITZ**, Justices.

ORDER

This 19th day of August 2015, after careful consideration of the opening brief, motion to affirm, and record below, we find it manifest that the Superior Court’s order, dated March 2, 2015, should be affirmed. The Superior Court did not err in summarily dismissing Caldwell’s second 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 Caldwell 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. Crim. R. 61(d)(2) (effective June 4, 2014).

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

BY THE COURT:

/s/ Collins J. Seitz, Jr.
Justice