

IN THE SUPREME COURT OF THE STATE OF DELAWARE

JOSEPH M. WALLS,	§	
	§	No. 251, 2012
Defendant Below,	§	
Appellant,	§	Court Below—Superior Court
	§	of the State of Delaware, in and
v.	§	for New Castle County
	§	
STATE OF DELAWARE,	§	Cr. ID No. 86001399DI
	§	
Plaintiff Below,	§	
Appellee.	§	

Submitted: May 23, 2013<sup>1</sup>  
Decided: August 20, 2013

Before **STEELE**, Chief Justice, **JACOBS** and **RIDGELY**, Justices.

**ORDER**

This 20<sup>th</sup> day of August 2013, upon consideration of the parties' briefs and the Superior Court record, it appears to the Court that:

(1) This appeal is from the Superior Court's summary dismissal of the appellant's fourth motion for postconviction relief under Superior Court Criminal Rule 61 ("Rule 61"). We conclude there is no merit to the appeal and affirm the Superior Court's judgment.

(2) In 1988, the appellant, Joseph M. Walls ("Walls"), was convicted of two counts of First Degree Robbery, one count of First Degree

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<sup>1</sup> This appeal was stayed pending the Court's decision in *Holmes v. State*, 2013 WL 2297072 (Del. May 23, 2013).

Kidnapping, three counts of Second Degree Kidnapping, and one count of Second Degree Burglary. He was sentenced to life imprisonment plus thirty-seven years. His convictions were affirmed on direct appeal in 1990.<sup>2</sup>

(3) Walls filed postconviction motions in 1993, 2007, and 2009. The Superior Court denied the first motion on the merits and the second and third motions as procedurally barred. On appeal, we affirmed all three Superior Court judgments.<sup>3</sup>

(4) In his fourth motion for postconviction relief filed in December 2011, Walls argued that the Superior Court was required to reevaluate his prior claims for relief and consider new claims under several decisions issued by this Court in 2009.<sup>4</sup> Walls' prior claims for relief chiefly concerned whether there was sufficient evidence to support his convictions. In his new claims, Walls alleged that he was denied the right of self-representation at trial and on direct appeal, and that the Superior Court erred when instructing the jury on accomplice liability.

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<sup>2</sup> *Walls v. State*, 1990 WL 17759 (Del. Feb. 8, 1990).

<sup>3</sup> *See Walls v. State*, 2011 WL 2893027 (Del. July 20, 2011) (affirming denial of third postconviction motion); *Walls v. State*, 2008 WL 187948 (Del. Jan. 7, 2008) (affirming denial of second postconviction motion); *Walls v. State*, 1994 WL 605506 (Del. Oct. 25, 1994) (affirming denial of first postconviction motion).

<sup>4</sup> Those decisions include *Cooke v. State*, 977 A.2d 803 (Del. 2009); *Allen v. State*, 970 A.2d 203 (Del. 2009); *Brown v. State*, 967 A.2d 1250 (Del. 2009), and *Harris v. State*, 965 A.2d 691 (Del. 2009).

(5) By amended report dated March 6, 2012, a Commissioner recommended that Walls' fourth postconviction motion be summarily dismissed as procedurally barred. Walls filed an appeal from the Commissioner's report followed by an "Addendum to [Postconviction] Request." In his "addendum," Walls asked the Superior Court "to excuse [his] procedural defaults, to appoint counsel, and to examine the merits of the issues raised within the current [postconviction] motion and [his] prior collateral motions" under *Martinez v. Ryan*, a 2012 decision issued by the United States Supreme Court.<sup>5</sup>

(6) By order dated April 17, 2012, the Superior Court adopted the Commissioner's report and recommendation and summarily dismissed Walls' fourth motion for postconviction relief as procedurally barred. The Superior Court rejected all attempts by Walls to invoke the exceptions to the procedural bars, concluding that the cases he relied upon, including *Martinez v. Ryan*, had no application, retroactive or otherwise, to the claims he advanced in his postconviction motion and "addendum."

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<sup>5</sup> *Martinez v. Ryan*, 132 S. Ct. 1309 (2012).

(7) Having carefully considered the parties' briefs on appeal and Walls' post-briefing submissions,<sup>6</sup> we are satisfied that the summary dismissal of Walls' fourth postconviction motion was correct, and that the Superior Court's judgment should be affirmed. Walls' claims of insufficient evidence, and any related claims of ineffective assistance of counsel, either received substantive resolution twenty years ago or were not raised within the required time frame and are now defaulted. Also defaulted is Walls' claim that his rights were violated because no court, state agency or defense counsel, informed him of his right of self-representation.

(8) Reconsideration of Walls' formerly adjudicated claims and consideration of his defaulted claims is neither required nor warranted "in the interest of justice,"<sup>7</sup> because of "a miscarriage of justice"<sup>8</sup> or a newly recognized "retroactively applicable right."<sup>9</sup> The cases cited by Walls, all of which are factually or legally distinguishable from his case, offer no basis upon which to excuse the procedural bars.

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<sup>6</sup> In two post-briefing submissions, Walls asked the Court to consider our decisions in *George v. State*, 2013 WL 543899 (Del. Feb. 12, 2013), and *Williams v. State*, 56 A.3d 1053 (Del. 2012), when deciding this case.

<sup>7</sup> SUPER. CT. CRIM. R. 61(i)(4).

<sup>8</sup> SUPER. CT. CRIM. R. 61(i)(5).

<sup>9</sup> SUPER. CT. CRIM. R. 61(i)(1).

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

BY THE COURT:

/s/ Jack B. Jacobs  
Justice