

IN THE SUPREME COURT OF THE STATE OF DELAWARE

MELVIN L. WILLIAMS,	§	
	§	No. 76, 2014
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. 0406005054
	§	
Plaintiff Below,	§	
Appellee.	§	

Submitted: March 31, 2014

Decided: May 12, 2014

Before **HOLLAND, JACOBS** and **RIDGELY**, Justices.

ORDER

This 12th day of May 2014, upon consideration of the opening brief filed by the appellant and the motion to affirm filed by the appellee, it appears to the Court that:

(1) In 2006, Williams was found guilty by a Superior Court jury of Murder in the First Degree and related weapons offenses. The Superior Court sentenced Williams to life imprisonment and a term of years followed by probation. On appeal, this Court affirmed Williams' convictions and sentence.¹

¹ *Williams v. State*, 2007 WL 914579 (Del. Mar. 28, 2007).

(2) In March 2008, Williams, with the assistance of counsel, moved for postconviction relief pursuant to Superior Court Criminal Rule 61 (“Rule 61”). After consideration of the motion, an affidavit filed by Williams’ trial counsel, and the State’s response, the Superior Court denied the motion,² and on appeal this Court affirmed.³

(3) In January 2014, Williams filed a *pro se* motion for postconviction relief under Rule 61 and a motion for appointment of counsel. By order dated February 4, 2014, the Superior Court summarily dismissed the postconviction motion and denied the appointment of counsel.⁴ This appeal followed.

(4) It is well-settled that when reviewing a denial of postconviction relief, this Court will address any procedural bars before considering the merits of any claim for relief.⁵ Having considered the Rule 61(i) procedural bars, the Court has determined that Williams’ second postconviction motion is procedurally barred as untimely,⁶ repetitive,⁷ defaulted,⁸ and formerly adjudicated.⁹ In the absence of a

² *State v. Williams*, 2009 WL 6529205 (Del. Super. Ct. May 28, 2009).

³ *Williams v. State*, 2009 WL 4351700 (Del. Dec. 2, 2009).

⁴ *State v. Williams*, 2014 WL 1302998 (Del. Super. Ct. Feb. 4, 2014).

⁵ *Younger v. State*, 580 A.2d 552, 554 (Del. 1990).

⁶ See DEL. SUPER. CT. CRIM. R. 61(i)(1) (barring claim filed more than one year after judgment of conviction is final).

⁷ See DEL. SUPER. CT. CRIM. R. 61(i)(2) (barring any ground for relief not asserted in a prior postconviction proceeding).

constitutional violation,¹⁰ a newly recognized retroactively applicable right,¹¹ or any indication that consideration of Williams' claims is warranted in the interest of justice,¹² we conclude that Williams' second postconviction motion was properly subject to summary dismissal under Rule 61(d)(4).¹³ We further conclude that, under the circumstances of this case, wherein Williams was represented by counsel on his first motion for postconviction relief and raises claims in his second postconviction motion that are procedurally barred, the Superior Court's denial of Williams' motion for appointment of counsel was not an abuse of discretion.

NOW, THEREFORE, IT IS ORDERED that the appellee's motion to affirm is GRANTED. The judgment of the Superior Court is AFFIRMED.

BY THE COURT:

/s/ Jack B. Jacobs
Justice

⁸ See DEL. SUPER. CT. CRIM. R. 61(i)(3) (barring a claim not previously raised absent cause for relief from the procedural default and prejudice).

⁹ See DEL. SUPER. CT. CRIM. R. 61(i)(4) (barring formerly adjudicated claim).

¹⁰ See DEL. SUPER. CT. CRIM. R. 61(i)(5) (providing in pertinent part that the procedural bar of (i)(1) and (2) shall not apply to a colorable claim that there was a miscarriage of justice because of a constitutional violation).

¹¹ See DEL. SUPER. CT. CRIM. R. 61(i)(1) (providing that an untimely motion may be considered when the movant asserts a retroactively applicable right that has been newly recognized).

¹² See DEL. SUPER. CT. CRIM. R. 61(i)(2), (4) (barring claim unless consideration is warranted in the interest of justice).

¹³ See DEL. SUPER. CT. CRIM. R. 61(d)(4) (providing for summary dismissal of postconviction motion where "it plainly appears" the movant is not entitled to relief).