

**IN THE SUPERIOR COURT OF THE STATE OF DELAWARE  
IN AND FOR NEW CASTLE COUNTY**

STATE OF DELAWARE	)	
	)	
	)	
v.	)	ID#: 0611011396
	)	
KEINO CHRICHLOW,	)	
Defendant.	)	

**ORDER**

**Upon Defendant's Third Motion for Postconviction Relief –  
*SUMMARILY DISMISSED.***

1. On March 28, 2012, the court denied Defendant's second motion for postconviction relief.

2. Thereafter, on September 17, 2013, Defendant filed a request for appointment of counsel, which the court denied by order docketed November 14, 2013.

3. Finally, for present purposes, Defendant filed this, his third motion for postconviction relief. After proper referral<sup>1</sup> and preliminary consideration,<sup>2</sup> it appears the motion is subject to summary dismissal because it is repetitive and previously adjudicated.<sup>3</sup> It further appears that Defendant has shown neither cause

---

<sup>1</sup> Super. Ct. Crim. R. 61(d)(1).

<sup>2</sup> Super. Ct. Crim. R. 61(d)(4).

<sup>3</sup> Super. Ct. Crim. R. 61(i)(4).

nor prejudice overcoming his procedural default.<sup>4</sup> And, after further consideration of the record it appears that further review is warranted neither in the interest of justice nor to address an error of Constitutional dimension.

4. Both this court and the Supreme Court of Delaware have written about this case extensively. It stems from an elaborate bank robbery where bank employees and customers were held at gun-point. Defendant was the getaway driver.

5. Defendant's motion focuses on the jury instructions. Defendant, citing *Allen v. State*,<sup>5</sup> alleges the court is required, as a matter of law, to provide a jury instruction on accomplice mental state, pursuant to 11 *Del.C.* § 274. *Allen* has been addressed before.<sup>6</sup> *Allen* is not retroactive.<sup>7</sup> Accordingly, further review based on *Allen* is not warranted in the "interests of justice."<sup>8</sup>

6. In his previous motions, Defendant has raised questions about his having been improperly found guilty based on the actual robbers' culpability. These points have been addressed. The current claims are almost identical to earlier ones. To the limited extent, if any, the claims have been refined or presented in a slightly different way, they should have been part of Defendant's earlier motions. The rule

---

<sup>4</sup> Super. Ct. Crim. R. 61(i)(3).

<sup>5</sup> 970 A.2d 203.

<sup>6</sup> *Chrichlow v. State*, 49 A.3d 1192, \*1 (Del. 2012).

<sup>7</sup> *Richardson v. State*, 3 A.3d 233, 240 (Del. 2010).

<sup>8</sup> Super. Ct. Crim. R. 61(i)(4).

governing postconviction relief practice does not contemplate serial motions where Defendant's claims are fragmented, or the same claims are presented initially and refined through subsequent motion practice.<sup>9</sup>

7. As mentioned above, the courts have reviewed and re-reviewed Defendant's conviction. With that and Defendant's latest claims in mind, it cannot be said that further review is warranted in the interest of justice, or that Defendant has presented a claim involving a Constitutional error.

For the foregoing reasons, Defendant's third motion for postconviction relief is **SUMMARILY DISMISSED**. Prothonotary **SHALL** notify Defendant.

**IT IS SO ORDERED.**

Date: May 6, 2014

/s/ Fred S. Silverman  
Judge

oc: Prothonotary, (Criminal Division)  
pc: Josette D. Manning, Deputy Attorney General  
Keino S. Chrichlow, Defendant

---

<sup>9</sup> Super. Ct. Crim. R. 61(i)(4).