IN THE SUPREME COURT OF THE STATE OF DELAWARE

LEO R. MADDOX, §

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Defendant Below- § No. 677, 2013

Appellant, §

S Court Below—Superior Court

v. § of the State of Delaware,

§ in and for Kent County

STATE OF DELAWARE, § Cr. ID Nos. 0910000469

§

Plaintiff Below-Appellee. §

> Submitted: January 23, 2014 Decided: February 12, 2014

Before HOLLAND, JACOBS, and RIDGELY, Justices.

ORDER

This 12th day of February 2014, after careful consideration of the appellant's opening brief, the State's motion to affirm, and the record below, we find it manifest on the face of the opening brief that the judgment below should be affirmed on the basis of the Superior Court's well-reasoned decision dated November 27, 2013. The Superior Court did not err in concluding that Maddox's postconviction petition was subject to dismissal because Maddox had been discharged as unimproved in August 2012 from the probationary sentence associated with the conviction for which he sought postconviction relief. As such,

Maddox is not "in custody or subject to future custody" as a result of that sentence, and thus has no recourse under Rule 61 to seek postconviction relief.¹

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

BY THE COURT:

/s/ Henry duPont Ridgely
Justice

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¹ See Del. Super. Ct. Crim. R. 61(a)(1) (2014); Short v. State, 2013 WL 3807795 (Del. July 18, 2013).