

IN THE SUPREME COURT OF THE STATE OF DELAWARE

BENJAMIN F. WHITEMAN,	§
	§
Defendant Below-	§ No. 251, 2015
Appellant,	§
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware,
STATE OF DELAWARE,	§ in and for New Castle County
	§ Cr. ID 30901716DI
Plaintiff Below-	§
Appellee.	§

Submitted: July 22, 2015
Decided: September 9, 2015

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

ORDER

This 9th day of September 2015, upon consideration of the appellant’s opening brief, the State’s motion to affirm, and the record on appeal, it appears to the Court that:

(1) The defendant-appellant, Benjamin Whiteman, filed this appeal from the Superior Court’s order, dated May 11, 2015, denying his motion for correction of sentence. We find no merit to the appeal. Accordingly, we affirm.

(2) Whiteman was sentenced to life imprisonment as a habitual offender in 1989. This Court affirmed his conviction and sentence on direct

appeal.¹ Since that time, Whiteman has filed multiple repetitive motions arguing that his habitual offender sentence is illegal because it was imposed in an illegal manner. This Court has affirmed the Superior Court’s denial of all of Whiteman’s challenges to his sentence. As we already have held, Whiteman is “foreclosed from asserting a claim based upon that issue” because our prior decisions constitute the law of the case.²

(3) We will not continue to invest scarce judicial resources in addressing Whiteman’s repetitive and frivolous claims. In the future, any appeal or writ filed by Whiteman challenging the legality of his habitual offender sentence will be subject to involuntary dismissal without prior notice under Supreme Court Rule 29(c).

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

BY THE COURT:

/s/ Collins J. Seitz, Jr.
Justice

¹ *Whiteman v. State*, 1991 WL 12112 (Del. Jan. 11, 1991).

² *Whiteman v. State*, 2013 WL 5346310 (Del. Sept. 20, 2013).