IN THE SUPREME COURT OF THE STATE OF DELAWARE

DONALD THOMPSON,	§	
	§	
Defendant Below-	§	No. 202, 2006
Appellant,	§	
	§	
v.	§	Court Below—Superior Court
	§	of the State of Delaware,
STATE OF DELAWARE,	§	in and for New Castle County
	§	Cr. ID 0312016592
Plaintiff Below-	§	
Appellee.	§	

Submitted: October 27, 2006
Decided: January 8, 2007

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

O R D E R

This 8th day of January 2007, upon consideration of the parties' briefs and the record on appeal, it appears to the Court that:

(1) The defendant-appellant, Donald Thompson, filed this appeal from the Superior Court's denial of his motion for postconviction relief. We find no merit to Thompson's appeal. Accordingly, we affirm the judgment of the Superior Court.

(2) The record reflects that Thompson was convicted in July 2004 of attempted first degree robbery, first degree burglary, and several weapon

and other related offenses. This Court affirmed on direct appeal.[1] Thereafter, Thompson filed his first motion for postconviction relief asserting numerous claims of ineffective assistance of his trial counsel and his appellate counsel, as well as ten other claims. The Superior Court denied Thompson's claims in a thorough, twenty-eight page opinion. This appeal followed.

(3) Thompson has enumerated the same twelve claims on appeal that he raised below. Specifically, Thompson contends that: (i) his trial counsel was ineffective; (ii) his appellate counsel was ineffective; (iii) his convictions for attempted first degree robbery and possession of a firearm during the commission of a felony violate the prohibition against double jeopardy; (iv) his convictions for first degree burglary and possession of a firearm during the commission of a felony violate the prohibition against double jeopardy; (v) his sentences for attempted first degree robbery and possession of a firearm violate the prohibition against cruel and unusual punishment; (vi) his sentences for first degree burglary and possession of a firearm violate the prohibition against cruel and unusual punishment; (vii) the trial court improperly admitted a mask into evidence; (viii) the trial court failed to issue a limiting instruction regarding the mask; (ix) co-defendant's

[1] *Thompson v. State*, 2005 WL 2878167 (Del. Oct. 28, 2005).

counsel misused the mask and improperly cross-examined Thompson about the mask; (x) co-defendant's counsel made improper closing remarks; (xi) the trial court erred in failing to sever the co-defendant's trial; and (xii) the prosecutor made improper remarks during closing argument to the jury.

(4) After careful consideration of the parties' respective positions on appeal, we find it manifest that the judgment below should be affirmed on the basis of the Superior Court's well-reasoned opinion dated March 23, 2006. The issues on appeal are clearly controlled by settled Delaware law. The Superior Court did not err in its application of the law to the facts of this case.

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

BY THE COURT:

/s/ Carolyn Berger
Justice