

IN THE SUPREME COURT OF THE STATE OF DELAWARE

CHARLES TRAWICK,

Defendant Below,
Appellant,

v.

STATE OF DELAWARE,

Plaintiff Below,
Appellee.

§

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§ No. 350, 2019

§

§ Court Below—Superior Court
§ of the State of Delaware

§

§ Cr. ID No. 0201012191 (N)

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Submitted: August 28, 2019

Decided: October 16, 2019

Before **VAUGHN**, **SEITZ**, and **TRAYNOR**, Justices.

ORDER

After careful consideration of the appellant's opening brief, the State's motion to affirm, and the record on appeal, we conclude that the judgment below should be affirmed on the basis of and for the reasons assigned by the Superior Court's orders dated July 1, 2019 and July 23, 2019, which summarily dismissed the appellant's fourth motion for postconviction relief and denied his motion for reconsideration, respectively. The appellant has not overcome the procedural bars that are set forth in Rule 61 by pleading with particularity any new evidence of actual innocence or any new, retroactive rule of constitutional law that applies to his case and renders

his conviction invalid.¹ Contrary to the appellant's assertion in the motion for reconsideration that he filed in the Superior Court, Rule 61 as adopted effective April 6, 2017 applies to his motion, which was filed in June 2019.²

NOW, THEREFORE, IT IS ORDERED that the motion to affirm is GRANTED and the judgment of the Superior Court is AFFIRMED.

BY THE COURT:

/s/ Collins J. Seitz, Jr.
Justice

¹ SUPER. CT. CRIM. R. 61(d)(2). *See also* SUPER. CT. CRIM. R. 61(i)(1)-(4).

² *See Durham v. State*, 2017 WL 5450746 (Del. Nov. 13, 2017).