

IN THE SUPREME COURT OF THE STATE OF DELAWARE

NATHAN MCNEIL,	§
	§
Defendant Below,	§ No. 466, 2019
Appellant,	§
	§ Court Below—Superior Court
v.	§ of the State of Delaware
	§
STATE OF DELAWARE,	§ Cr. ID No. 1302010193 (K)
	§
Plaintiff Below,	§
Appellee.	§

Submitted: December 17, 2019

Decided: January 16, 2020

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

**ORDER**

After careful consideration of the appellant’s opening brief, the appellee’s motion to affirm, and the record on appeal, we conclude that the judgment below should be affirmed on the basis of the Superior Court’s well-reasoned order, dated October 30, 2019, summarily dismissing the appellant’s second motion for postconviction relief. The Superior Court did not err in determining that the motion failed to satisfy the requirements of Superior Court Criminal Rule 61(d)(2) and was procedurally barred.<sup>1</sup>

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<sup>1</sup> Del. Super. Ct. Crim. R. 61(d)(2) (providing that a second or subsequent Rule 61 motion “shall be summarily dismissed, unless the movant was convicted after a trial and the motion either” pleads with particularity new evidence creating a strong inference that the movant was actually innocent or a new rule of constitutional law made retroactive to cases on collateral review).

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

BY THE COURT:

/s/ Collins J. Seitz, Jr.  
Chief Justice