

IN THE SUPREME COURT OF THE STATE OF DELAWARE

LEROY SHELLEY,	§
	§
Defendant Below,	§ No. 78, 2020
Appellant,	§
	§ Court Below—Superior Court
v.	§ of the State of Delaware
	§
STATE OF DELAWARE,	§ Cr. ID No. 9804001318 (N)
	§
Plaintiff Below,	§
Appellee.	§

Submitted: April 21, 2020

Decided: June 3, 2020

Before **SEITZ**, Chief Justice; **VALIHURA** and **VAUGHN**, 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 and for the reasons assigned by the Superior Court’s well-reasoned order, dated January 28, 2020, summarily dismissing the fourth motion for postconviction relief.<sup>1</sup> The appellant has not pleaded with particularity new evidence of actual innocence or that a new, retroactive rule of constitutional law rendered his conviction invalid.<sup>2</sup> Nor has he asserted a claim that

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<sup>1</sup> *State v. Shelley*, 2020 WL 491441 (Del. Super. Ct. Jan. 28, 2020).

<sup>2</sup> Del. Super. Ct. Crim. R. 61(d)(2).

the Superior Court lacked jurisdiction.<sup>3</sup> We warn the appellant that if he continues to file appeals from untimely and repetitive claims, he will be enjoined from filing future appeals without leave of the Court.

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

BY THE COURT:

/s/ Karen L. Valihura  
Justice

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<sup>3</sup> *Id.* 61(i)(5).