

IN THE SUPREME COURT OF THE STATE OF DELAWARE

RHAMIR WAPLES,	§
	§ No. 161, 2020
Defendant Below,	§
Appellant,	§ Court Below—Superior Court
	§ of the State of Delaware
v.	§
	§ Cr. ID No. 1506014219A (S)
STATE OF DELAWARE,	§
	§
Plaintiff Below,	§
Appellee.	§

Submitted: June 4, 2020
Decided: July 20, 2020

ORDER

(1) In this appeal from the Superior Court’s denial of his motion for postconviction relief, the appellant, Rhamir Waples, seeks to stay the appeal so that he may present to the Superior Court certain mental health records. For the reasons stated below, the motion is denied.

(2) On March 8, 2017, a Superior Court jury found Waples guilty of two counts of first-degree murder, fifteen counts of possession of a firearm during the commission of a felony, first-degree conspiracy, home invasion, two counts of first-degree robbery, and second-degree conspiracy. Waples faced two life sentences plus 452 years of imprisonment. His counsel filed a motion to dismiss or, in the alternative, for a new trial, which the Superior Court denied. The State and the

defense then entered into an agreement under which the convictions would be vacated if Waples pleaded guilty to various charges. On February 22, 2018, the Superior Court vacated the convictions and Waples pleaded guilty to second-degree murder, possession of a firearm during the commission of a felony, home invasion, and second-degree conspiracy. The court imposed the sentence that was recommended as part of the plea agreement.

(3) On December 14, 2018, Waples filed a motion for postconviction relief. The court appointed postconviction counsel. On April 15, 2020, the Superior Court granted postconviction counsel's motion to withdraw and denied the motion for postconviction relief, holding that the grounds for postconviction relief that Waples had asserted were without merit and that the record reflected no other meritorious grounds for postconviction relief. Waples has appealed to this Court and now seeks a stay of the appeal in order to have the opportunity to present to the Superior Court certain mental-health records from his childhood.

(4) The motion to stay is denied. "It is a basic tenet of appellate practice that an appellate court reviews only matters considered in the first instance by a trial court."¹ Because the mental-health records were not presented to the Superior Court in the postconviction proceedings in the first instance, they offer no basis for reversing the Superior Court's denial of postconviction relief. Moreover, Waples

¹ *Del. Elec. Coop., Inc. v. Duphily*, 703 A.2d 1202, 1206 (Del. 1997).

has not demonstrated why he could not have obtained the records and presented them to the Superior Court between February 2018, when he pleaded guilty, and April 2020, when the motion for postconviction relief was denied.

NOW, THEREFORE, IT IS ORDERED that the Motion to Stay Appeal is DENIED.

BY THE COURT:

/s/ Gary F. Traynor
Justice