

IN THE SUPREME COURT OF THE STATE OF DELAWARE

| | | |
|--------------------|---|----------------------------|
| MAURICE LAND, | § | |
| | § | |
| Defendant Below, | § | No. 143, 2021 |
| Appellant, | § | |
| | § | Court Below—Superior Court |
| v. | § | of the State of Delaware |
| | § | |
| STATE OF DELAWARE, | § | Cr. ID No. 1408007675A (S) |
| | § | |
| Plaintiff Below, | § | |
| Appellee. | § | |

Submitted: August 30, 2021

Decided: November 5, 2021

Before **VALIHURA, 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 and for the reasons assigned in the Superior Court’s April 15, 2021 order denying the appellant’s second motion for postconviction relief. The appellant’s re-packaging and re-litigation of surveillance video claims that were raised before and during trial did not constitute new evidence creating a strong inference of his actual innocence.¹

¹ Super. Ct. Crim. R. 61(d)(2)(i) (providing that a second or subsequent motion for postconviction relief will be summarily dismissed unless the movant was convicted after trial and pleads with particularity new evidence creating a strong inference of actual innocence).

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/ James T. Vaughn, Jr.
Justice