

IN THE SUPREME COURT OF THE STATE OF DELAWARE

GEORGE JACKSON,	§	
	§	No. 323, 2012
Defendant Below,	§	
Appellant,	§	Court Below—Superior Court of
	§	the State of Delaware in and for
v.	§	Sussex County
	§	
STATE OF DELAWARE,	§	
	§	
Plaintiff Below,	§	Cr. ID No. 91S03837DI
Appellee.	§	

Submitted: July 5, 2012  
Decided: September 27, 2012

Before **STEELE**, Chief Justice, **HOLLAND** and **BERGER**, Justices.

**O R D E R**

This 27<sup>th</sup> day of September 2012, upon consideration of the appellant's opening brief and the appellee's motion to affirm, it appears to the Court that:

(1) This appeal is from the Superior Court's May 16, 2012 order denying the appellant's fifth motion for postconviction relief under Superior Court Criminal Rule 61. On appeal, the appellant raises the same claims that he advanced in his postconviction motion. Additionally, the appellant claims that the Superior Court judge, who presided over the 1992 jury trial and has denied the appellant's motions, is biased against him. In the absence of plain error in the record, we reject the appellant's conclusory assertion of

racial bias on the part of the Superior Court judge who presided over the appellant's jury trial and decided the appellant's postconviction motions.

(2) In its May 16, 2012 order, the Superior Court determined, and we agree, that the appellant's fifth postconviction motion is time-barred<sup>1</sup> and repetitive<sup>2</sup> and raises formerly adjudicated claims.<sup>3</sup> On appeal, the Court concludes that the appellant's time-barred and repetitive motion raising formerly adjudicated claims does not warrant consideration in the interest of justice<sup>4</sup> or because of a miscarriage of justice.<sup>5</sup>

NOW, THEREFORE, IT IS ORDERED that the State's motion to affirm is GRANTED. The judgment of the Superior Court is AFFIRMED.

BY THE COURT:

/s/ Randy J. Holland  
Justice

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<sup>1</sup> Del. Super. Ct. Crim. R. 61(i)(1).

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

<sup>3</sup> Del. Super. Ct. Crim. R. 61(i)(4).

<sup>4</sup> Del. Super. Ct. Crim. R. 61(i)(2), (4).

<sup>5</sup> Del. Super. Ct. Crim. R. 61(i)(5).