

IN THE SUPREME COURT OF THE STATE OF DELAWARE

ELDER SAAVEDRA,	§
	§ No. 36, 2026
Defendant Below,	§
Appellant,	§ Court Below–Superior Court
	§ of the State of Delaware
v.	§
	§ Cr. ID No. 1705014681 (N)
STATE OF DELAWARE,	§
	§
Appellee.	§

Submitted: August 14, 2026

Decided: October 22, 2026

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

ORDER

After consideration of the parties’ briefs and the Superior Court record, it appears to the Court that:

(1) In September 2017, a Superior Court grand jury indicted the appellant, Elder Saavedra, for the first-degree murder of Lester Mateo and possession of a deadly weapon during the commission of a felony. Saavedra’s charges arose from an incident during which Mateo was struck by a motor vehicle and killed outside of a nightclub in Bear, Delaware. Following a six-day jury trial during which the State presented the testimony of 14 witnesses and introduced over 150 items into evidence, including video clips obtained from the nightclub’s numerous surveillance cameras, Saavedra was found guilty as charged. The Superior Court sentenced

Saavedra to life imprisonment and a term of years. We affirmed Saavedra's convictions and sentence on direct appeal.¹

(2) In March 2020, Saavedra filed a *pro se* motion for postconviction relief under Superior Court Criminal Rule 61 raising two claims: (i) that trial counsel was ineffective for failing to hire an accident reconstruction expert, and (ii) that the evidence did not support Saavedra's conviction for first-degree murder. Contemporaneously, Saavedra filed a motion for appointment of counsel, which the court granted. In March 2022, postconviction counsel ("Counsel") moved to withdraw, having concluded that there were no meritorious issues to pursue. Counsel also moved to modify a protective order that had been put in place before trial that restricted Saavedra's access to the "majority" of the State's evidence. The Court granted Counsel's motion and ordered the State to turn over its evidence with any necessary redactions. By way of letter dated July 18, 2022, the Superior Court stayed the deadline for Saavedra to respond to Counsel's motion to withdraw² and advised Saavedra that it would set deadlines for the parties to respond to Counsel's motion after Counsel forwarded Saavedra's entire file to him with the court-ordered redactions. Twice more—by letters dated October 10, 2023, and February 16, 2023—the Superior Court assured Saavedra that no deadlines would be set until the

¹ *Saavedra v. State*, 225 A.3d 364 (Del. 2020).

² See Del. Super. Ct. R. 61(e)(7) (providing that a movant has 30 days to file a response if postconviction counsel moves to withdraw).

redactions were complete and his case file had been sent to him. Counsel and the State continued to file additional motions to modify the protective order, and the last order amending the protective order was entered on February 2, 2024.

(3) Meanwhile, in June 2023, Saavedra's motion for postconviction relief was reassigned to a different judicial officer. On July 11, 2023, the Superior Court ordered the State to file its response to Counsel's motion to withdraw by September 25, 2023. The week after the State filed its response, Saavedra moved to amend his motion for postconviction relief to add additional claims. The Superior Court denied Saavedra's motion.

(4) On August 13, 2025, after expanding the record with briefing and an affidavit from trial counsel addressing Saavedra's claims (including his amended claims) of ineffective assistance of counsel, a Superior Court commissioner recommended that Saavedra's motion for postconviction relief be denied.³ The commissioner first concluded that Saavedra's amended claims were procedurally barred under Superior Court Criminal Rule 61 because Saavedra had not obtained leave to amend his motion for postconviction relief after the State filed its response to Counsel's motion to withdraw.⁴ The commissioner, however, also addressed all

³ *State v. Saavedra*, 2025 WL 2337256 (Del. Super. Ct. Aug. 13, 2025).

⁴ *See* Del. Super. Crim. R. 61 (b)(6) ("A motion may be amended as a matter of course at any time before a response is filed or thereafter by leave of court, which shall be freely given when justice so requires.").

Saavedra's claims on their merits and recommended that they be denied. Saavedra filed exceptions to the commissioner's report. Following *de novo* review, a Superior Court judge overruled Saavedra's objections, adopted the commissioner's report, and denied Saavedra's motion for postconviction relief. This appeal followed.

(5) On appeal, Saavedra raises, as he did below, six ineffective-assistance-of-counsel claims.⁵ He argues that trial counsel was ineffective for: (i) failing to hire an accident-reconstruction expert, (ii) stipulating to Mateo's manner of death, (iii) failing to effectively cross-examine two of the State's witnesses, (iv) failing to object to the chief investigating officer's allegedly inadmissible identification of Saavedra in the videos clips, and (v) delivering an inadequate closing argument. Saavedra also claims he is entitled to relief because of the cumulative effect of trial counsel's errors. Saavedra's claims are unavailing.

(6) Although we affirm the Superior Court's judgment, we are reluctant to rely on the Superior Court's technically correct conclusion that Saavedra's amended claims were procedurally barred by Rule 61. Three times, the Superior Court expressly assured Saavedra that no deadlines—including for Saavedra's response to postconviction counsel's motion to withdraw—would be set until Saavedra's entire file was turned over to him. But in July 2023 (when the court set a deadline for the

⁵ Saavedra has waived those arguments he made below but did not raise on appeal. Del. Supr. Ct. R. 14(b)(vi)A.(3).

State to file its response to Counsel's motion to withdraw)⁶ *and* when the State filed its response to Counsel's motion to withdraw, the State was still providing discovery materials to Saavedra. Indeed, the Superior Court did not declare discovery complete until June 20, 2024. Because of the Superior Court's prior assurances to Saavedra and the fact that Saavedra received a life sentence, we think that the better practice would have been for the Superior Court to have granted Saavedra's procedurally proper motion to amend his motion for postconviction relief and considered those amended claims to be properly filed. Fortunately for our review purposes, the court did not rely solely on Rule 61's procedural bars to dispose of Saavedra's claims but addressed them on their merits. And we find it evident that Saavedra's claims fail on their merits for the reasons stated in the Superior Court's December 30, 2025 order denying his motion for postconviction relief.⁷

NOW, THEREFORE, IT IS ORDERED that the judgment of the Superior Court be AFFIRMED.

BY THE COURT:

/s/ Gary F. Traynor
Justice

⁶ Notably, the commissioner's July 11, 2023 letter did not set a deadline for Saavedra to respond to Counsel's motion to withdraw.

⁷ *State v. Saavedra*, 2025 WL 3771270, at **5-11 (Del. Super. Ct. Dec. 30, 2025).