

IN THE SUPREME COURT OF THE STATE OF DELAWARE

SHIRLEY SMITH,	§
	§ No. 395, 2023
Defendant Below,	§
Appellant,	§ Court Below–Superior Court
	§ of the State of Delaware
v.	§
	§ Cr. ID No. 1404012579 (K)
STATE OF DELAWARE,	§
	§
Appellee.	§

Submitted: December 11, 2023

Decided: February 20, 2024

Before **TRAYNOR, LEGROW, and GRIFFITHS**, Justices.

**ORDER**

After consideration of the appellant’s opening brief, the State’s motion to affirm, and the record on appeal, we conclude that the Superior Court’s October 5, 2023 order summarily dismissing the appellant’s fourth motion for postconviction relief should be affirmed.<sup>1</sup>

---

<sup>1</sup> See Del. Super. Crim. R. 61(d)(2) (providing that a second or subsequent motion for postconviction relief must be summarily dismissed unless the movant was convicted after a trial and pleads with particularity (i) new evidence of actual innocence or (ii) that a new rule of constitutional law, made retroactive to cases on collateral review, applies to the movant’s case and renders the conviction invalid).

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

BY THE COURT:

*/s/ Abigail M. LeGrow*

Justice