

IN THE SUPREME COURT OF THE STATE OF DELAWARE

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|--------------------|------------------------------|
| ERIC D. LLOYD, | § |
| | § No. 489, 2023 |
| Defendant Below, | § |
| Appellant, | § Court Below—Superior Court |
| | § of the State of Delaware |
| v. | § |
| | § Cr. ID No. 2003012388 (N) |
| STATE OF DELAWARE, | § |
| | § |
| Appellee. | § |

Submitted: March 21, 2024

Decided: May 7, 2024

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

ORDER

Upon consideration of the appellant’s opening brief, the appellee’s motion to affirm, and the record below, it appears to the Court that:

(1) The appellant, Eric D. Lloyd, filed this appeal from the Superior Court’s denial of his “Motion to Compel Superior Court Criminal Rule 48(a).” The State has moved to affirm the judgment below on the ground that it is manifest on the face of the opening brief that the appeal is without merit. We agree and affirm.

(2) Following a jury trial, Lloyd was convicted of possession of a firearm by a person prohibited (“PFBPP”) and possession of ammunition by a person prohibited (“PABPP”). On direct appeal, Lloyd argued that the Superior Court erred

by denying Lloyd’s motion to suppress evidence obtained during an administrative search of a residence in 2020.¹ This Court affirmed in February 2023.

(3) In October 2023, Lloyd filed a “Motion to Compel Superior Court Criminal Rule 48(a).”² Through the motion, he sought to have his PFBPP and PABPP convictions dismissed, arguing that he was not on probation at the time of the administrative search in 2020 and the evidence obtained during the search therefore should have been suppressed. The Superior Court denied the motion, concluding that Lloyd’s contention that he was not on probation at the time of the 2020 search was incorrect. On appeal from that decision, Lloyd argues that he was not on probation at the time of the 2020 search and, therefore, the search was unconstitutional and the evidence discovered during the search should not have been admitted at trial. He also argues that the Superior Court erred by failing to hold an evidentiary hearing on his motion.

(4) We affirm the Superior Court’s denial of Lloyd’s motion, though on a different basis than that articulated by the Superior Court.³ Through the motion, Lloyd sought to set aside his PFBPP and PABPP convictions. Rule 48(a) does not

¹ *Lloyd v. State*, 292 A.3d 100, 102-03 (Del. 2023).

² The rule provides: “The attorney general may without leave of the court file a dismissal of an indictment, information or complaint and the prosecution shall thereupon terminate. Such a dismissal may not be filed during the trial without the consent of the defendant or after conviction without leave of the court.” DEL. SUPER. CT. R. CRIM. PROC. 48(a).

³ See *Unitrin, Inc. v. Am. Gen. Corp.*, 651 A.2d 1361, 1390 (Del. 1995) (stating that “this Court may affirm on the basis of a different rationale than that which was articulated by the trial court”).

provide a basis for a criminal defendant to seek relief from a conviction. Rather, Rule 61 provides the “exclusive remedy” for a defendant seeking to set aside a conviction.⁴ Lloyd does not contend that the motion at issue in this appeal was a motion under Rule 61 or that it satisfied the procedural bars of Rule 61(i)(3). Indeed, the Superior Court docket reflects that Lloyd filed a motion for postconviction relief under Rule 61 on February 2, 2024. We affirm the Superior Court’s denial of Lloyd’s motion seeking dismissal under Rule 48(a).

(5) Lloyd filed with his opening brief a request for an evidentiary hearing. In light of the foregoing, no evidentiary hearing is warranted. The request is denied.

NOW, THEREFORE, IT IS ORDERED that the Motion to Affirm is GRANTED and the judgment of the Superior Court is AFFIRMED. The request for an evidentiary hearing is DENIED.

BY THE COURT:

/s/ Karen L. Valihura
Justice

⁴ *Alley v. State*, 2015 WL 7188326, at *1 (Del. Nov. 13, 2015).