

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE
IN AND FOR NEW CASTLE COUNTY

STATE OF DELAWARE)	
)	
V.)	ID: 88001884DI
)	
VICKY CHAO,)	

Date Submitted: September 16, 2004
Date Decided: September 24, 2004

Upon Defendant's Motion for Postconviction Relief: DENIED

ORDER

On August 14, 1989, a jury found defendant Vicky Chao guilty of all counts of the indictment, which included multiple counts of murder in the first degree and related offenses. She was sentenced on May 24, 1990. Defendant appealed the convictions and they were affirmed on direct appeal by the Supreme Court on January 29, 1992.

In 1995, the Superior Court granted petitioner a new trial based upon the perjury of a prosecution witness at her first trial. In October of 1995 she was again convicted of three counts of first degree murder in addition to other offenses. She appealed that conviction and the result was again affirmed by the Supreme Court on January 23, 1998.

Defendant has filed numerous motions for postconviction relief, both with the assistance of counsel, and *pro se* all of which have previously been denied by this Court.

Defendant has again filed a Rule 61 motion on September 16, 2004. Any grounds for relief that were formerly litigated in an appeal, or in a prior postconviction proceeding are thereafter barred absent a demonstration that additional review is necessary in the interests of justice.

All grounds raised by defendant have been previously litigated or could have been litigated and are thereafter procedurally barred at this time. The defendant received adequate representation at her trial and by privately retained counsel in extensive postconviction proceedings. She has not demonstrated how the interests of justice would be served by yet another review of the issues.

To protect the integrity of the procedural rules, the Court will not consider the merits of the postconviction claim where a procedural bar exists.¹

Based upon the foregoing, Defendants' Motion for Postconviction Relief is **DENIED**.

/s/

The Honorable Richard S. Gebelein

Original: Prothonotary
cc: Attorney General
Defendant

¹ *State v. Gattis*, Del. Super., Cr. A. No. IN90-05-1017, Barron J. (Dec. 28, 1995)(citing *Younger v. State*, 580 A.2d. At 554; *Saunders v. State*, Del. Supr., No. 185, 1994, Walsh, J. (Jan 13, 1995)(ORDER); *Hicks v. State*, Del. Supr., No. 417, 1991, Walsh, J. (May 5, 1992)(ORDER)).