

IN THE SUPREME COURT OF THE STATE OF DELAWARE

EDDIE LEE MAXION, JR.,	§
	§
Defendant Below-	§ No. 220, 2002
Appellant,	§
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware,
STATE OF DELAWARE,	§ in and for New Castle County
	§ Cr.A. Nos. IN90-04-0129, 0130
Plaintiff Below-	§ IN90-04-1161-1163
Appellee.	§

Submitted: July 26, 2002

Decided: August 29, 2002

Before **VEASEY**, Chief Justice, **WALSH** and **STEELE**, Justices

ORDER

This 29th day of August 2002, upon consideration of the briefs on appeal and the record below, it appears to the Court that:

(1) The judgment of the Superior Court should be affirmed on the basis of and for the reasons set forth in its decision dated March 27, 2002.

(2) The record reflects that this is the ninth motion for postconviction relief filed in the Superior Court by the defendant-appellant, Eddie Lee Maxion, Jr. All of Maxion's postconviction motions have been denied by the Superior Court. Four of those denials have been appealed to this Court and all of them

have been affirmed. *Maxion v. State*, Del. Supr., No. 155, 1994, Holland, J. (June 30, 1994); *Maxion v. State*, Del. Supr., No. 465, 1993, Walsh, J. (Aug. 11, 1994); *Maxion v. State*, Del. Supr., No. 176, 1994, Walsh, J. (Jan. 27, 1995); *Maxion v. State*, 686 A.2d 148 (Del. 1996). Maxion also has filed three petitions for writs of mandamus in this Court, all of which were denied. *In re Maxion*, Del. Supr., No. 334, 1995, Holland, J. (Sept. 11, 1995); *In re Maxion*, Del. Supr., No. 375, 1995, Hartnett, J. (Oct. 23, 1995); *In re Maxion*, Del. Supr., No. 463, 1995, Veasey, C.J. (Feb. 1, 1996).

(3) The record reflects that Maxion's appeal from the Superior Court's denial of his latest motion for postconviction relief is frivolous and constitutes an abuse of the judicial process. Accordingly, Maxion is enjoined from filing any future claims in this Court without first seeking leave of the Court.¹ Maxion's future requests to proceed *in forma pauperis* in any matter before this Court must be accompanied by an affidavit containing the certifications required by Section 8803(e).² In the event that Maxion files another matter in this Court that is

¹DEL. CODE ANN. tit. 10, § 8803(e) (1999).

²*Proctor v. Bunting*, 797 A.2d 671(Del. 2002). A copy of this decision has been sent to Maxion with a copy of this Order.

found to be factually or legally frivolous, this Court may order the Department of Correction to forfeit a portion of Maxion's accumulated good time credits.³

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

IT IS FURTHER ORDERED that Maxion is ENJOINED from filing any future claims in this Court without first seeking leave of the Court in accordance with this Order.

BY THE COURT:

/s/ E. Norman Veasey
Chief Justice

³DEL. CODE ANN. tit. 10, § 8805(a) (1999).