

IN THE SUPREME COURT OF THE STATE OF DELAWARE

JAMES ST. LOUIS,	§	
	§	No. 165, 2008
Defendant Below,	§	
Appellant,	§	Court Below—Superior Court
	§	of the State of Delaware in and
v.	§	for Sussex County
	§	
STATE OF DELAWARE,	§	
	§	
Plaintiff Below,	§	Cr. ID No. 0009015005
Appellee.	§	

Submitted: October 3, 2008  
Decided: December 18, 2008

Before **STEELE**, Chief Justice, **HOLLAND** and **BERGER**, Justices.

**ORDER**

This 18<sup>th</sup> day of December 2008, upon consideration of the briefs of the parties, it appears to the Court that:

(1) The appellant, James St. Louis, filed this appeal from the Superior Court’s March 6, 2008 denial of his second motion for postconviction relief pursuant to Superior Court Criminal Rule 61 (“Rule 61”).<sup>1</sup> We have determined that there is no merit to the appeal. Accordingly, we affirm.

(2) In 2001, a Superior Court jury convicted St. Louis on charges of Rape in the First Degree and Continuous Sexual Abuse of a Child. St. Louis was sentenced to a total of forty years at Level V suspended after twenty-two years for

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<sup>1</sup> *St. Louis v. State*, 2008 WL 601630 (Del. Super. Ct.).

decreasing levels of supervision. On direct appeal, this Court affirmed St. Louis' convictions.<sup>2</sup>

(3) In May 2003, St. Louis filed a *pro se* motion for postconviction relief. St. Louis alleged: (a) violation of due process rights, (b) unsworn submissions, (c) improper admission of videotape under title 11, section 3507 of the Delaware Code, (d) violations of title 11, sections 3508 and 3509 of the Delaware Code, (e) violation of title 11, section 3511 of the Delaware Code, (f) improper jury view of videotape, (g) improper introduction of prior bad act evidence, (h) prosecutorial misconduct, and (i) ineffective assistance of counsel. By decision dated September 22, 2004, the Superior Court denied St. Louis' motion, and on appeal this Court affirmed.<sup>3</sup>

(4) In March 2005, St. Louis filed a federal habeas corpus petition raising several claims for relief that were previously raised in his postconviction motion. The Delaware District Court denied the petition, finding that the claims were either procedurally barred or were without merit.<sup>4</sup> Thereafter, the Third Circuit declined to issue a certificate of appealability.<sup>5</sup>

(5) In May 2007, St. Louis filed a motion for correction of sentence. St. Louis argued that his sentence was illegal because he was not provided a copy of

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<sup>2</sup> *St. Louis v. State*, 2002 WL 1160979 (Del. Supr.).

<sup>3</sup> *St. Louis v. State*, 2004 WL 2153645 (Del. Super. Ct.), *aff'd*, 2005 WL 528675 (Del. Supr.).

<sup>4</sup> *St. Louis v. Carroll*, 429 F.Supp.2d 701 (D. Del. 2006).

<sup>5</sup> *St. Louis v. Carroll*, No. 06-2633 (3d. Cir. Dec. 7, 2006).

his presentence report prior to sentencing. The Superior Court denied the motion, and on appeal this Court affirmed.<sup>6</sup>

(6) On November 13, 2007, St. Louis filed a second motion for postconviction relief. St. Louis alleged many of the same claims that he had raised in his first postconviction motion and his federal habeas petition. By order dated December 14, 2007, the Superior Court denied the motion on the basis that it was procedurally barred under Rule 61, and St. Louis had not raised grounds warranting consideration of the exception to the applicable procedural bar.

(7) On December 20, 2007, St. Louis filed a motion seeking to “redress” the Superior Court’s denial of postconviction relief. The Superior Court treated the motion as a motion for reargument.

(8) In his reargument motion, St. Louis contended that his second postconviction motion had alleged constitutional violations that should have overcome the Rule 61 procedural bar. Upon consideration of St. Louis’ contentions, the Superior Court vacated its December 14, 2007 denial of postconviction relief.

(9) After considering anew St. Louis’ second postconviction motion, the Superior Court, by order dated March 6, 2008, again denied relief on the basis that the motion and claims therein were procedurally barred. As part of its March 6,

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<sup>6</sup> *St. Louis v. State*, 2007 WL 2810991 (Del. Supr.), *cert. denied*, 128 S. Ct. 1669 (2008).

2008 decision, the Superior Court examined the merit of St. Louis' constitutional claims and determined that they did not rise to the level of a "miscarriage of justice" requiring application of the exception to the procedural bar.

(10) After careful consideration of the parties' briefs and the Superior Court record, we have concluded that the Superior Court's judgment should be affirmed on the basis of the Superior Court's decision dated March 6, 2008. The Superior Court did not err when concluding that the postconviction motion was time-barred, that St. Louis' allegations of ineffective assistance of counsel were without merit and/or failed to establish requisite prejudice to his rights, and that the remaining claims were procedurally barred without exception.

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

BY THE COURT:

/s/ Randy J. Holland  
Justice