

IN THE SUPREME COURT OF THE STATE OF DELAWARE

BRYAN L. DAWKINS,	§
	§ No. 2, 2009
Defendant Below,	§
Appellant,	§
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware,
STATE OF DELAWARE,	§ in and for New Castle County
	§ Cr. ID 0210013335A
Plaintiff Below,	§
Appellee.	§

Submitted: March 26, 2009

Decided: April 28, 2009

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

ORDER

This 28th day of April 2009, upon consideration of the appellant's opening brief, the State's motion to affirm, and the record on appeal, it appears to the Court that:

(1) The appellant Bryan Dawkins filed this appeal from the Superior Court's denial of his second motion for postconviction relief. The State of Delaware has filed a motion to affirm the judgment below on the ground that it is manifest on the face of Dawkins' opening brief that the appeal is without merit. We agree. Accordingly, we affirm the Superior Court's judgment.

(2) The record reflects that Dawkins was convicted in 2004 of Murder in the First Degree and related charges in the stabbing death of his estranged wife, Stacey. This Court affirmed his convictions and sentence on direct appeal.¹ Thereafter, Dawkins filed a motion for postconviction relief, which the Superior Court denied. We affirmed that decision on appeal.² Dawkins filed his second motion for postconviction relief in September 2008, which the Superior Court also denied. This appeal followed.

(3) We review the Superior Court's denial of a postconviction motion under Rule 61 for abuse of discretion.³ The Court first must consider the procedural requirements of Rule 61 before addressing any substantive issues.⁴ Rule 61(i)(4) bars litigation of any claim that previously was adjudicated unless reconsideration of the claim is warranted in the interest of justice.

(4) In this case, all of Dawkins' claims either were rejected on direct appeal or on appeal from the denial of his first postconviction motion. We do not find that reconsideration of these previously adjudicated claims is warranted in the interest of justice. Accordingly, we find no abuse of

¹ *Dawkins v. State*, 2005 WL 2254197 (Del. Sept. 15, 2005).

² *Dawkins v. State*, 2008 WL 2404444 (Del. June 13, 2008).

³ *Outten v. State*, 720 A.2d 547, 551 (Del. 1998).

⁴ *Younger v. State*, 580 A.2d 552, 554 (Del. 1990).

discretion in the Superior Court's denial of Dawkins' second motion for postconviction relief.

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

BY THE COURT:

/s/ Randy J. Holland
Justice