

IN THE SUPREME COURT OF THE STATE OF DELAWARE

CARMELO CLAUDIO and	§	
ENRIQUE MAYMI,	§	Nos. 88 and 89, 2003
	§	
Defendants Below,	§	
Appellants,	§	
	§	
v.	§	Court Below: Superior Court
	§	of the State of Delaware
STATE OF DELAWARE,	§	in and for New Castle County
	§	
Plaintiff Below,	§	Cr. ID No. 87001256DI
Appellee.	§	Cr. ID No. 87001255DI

Submitted: June 25, 2003
Decided: September 15, 2003

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

ORDER

This 15th day of September, 2003, on consideration of the briefs of the parties, it appears to the Court that:

1) Carmelo Claudio and Enrique Maymi appeal from the Superior Court's denial of their motions for post-conviction DNA testing pursuant to Del.Code Ann. tit. 11, §4504(a). They argue that, if DNA testing were to prove that the blood on their jackets is not the victims' blood, this new evidence would be materially relevant to their claims of actual innocence.

2) The Superior Court disagreed, holding that the blood stains were a minor, collateral issue, and that favorable DNA results would not make appellants' claims of

actual innocence significantly more probable. In *Anderson v. State*,¹ decided after the trial court decided appellants' motions, this Court adopted a standard very similar to the one applied by the trial court. Applying the *Anderson* standard, we are satisfied that appellants are not entitled to DNA testing for the reasons stated in the Superior Court's thoughtful decision.

NOW, THEREFORE, IT IS ORDERED that the decision of the Superior Court be, and the same hereby is, AFFIRMED.

BY THE COURT:

/s/ Carolyn Berger
Justice

¹ ___ A.2d ___ (Del. 2003).