

IN THE SUPREME COURT OF THE STATE OF DELAWARE

JAMES ARTHUR BIGGINS,	§
	§ No. 251, 2011
Defendant Below-	§
Appellant,	§
	§ Court Below—Superior Court
v.	§ of the State of Delaware
	§ in and for Sussex County
STATE OF DELAWARE,	§ Cr. ID No. 9609015504
	§
Plaintiff Below-	§
Appellee.	§

Submitted: May 23, 2011

Decided: July 11, 2011

Before **HOLLAND**, **BERGER** and **JACOBS**, Justices

**ORDER**

This 11<sup>th</sup> day of July 2011, upon consideration of the appellant’s opening brief and the appellee’s motion to affirm pursuant to Supreme Court Rule 25(a), it appears to the Court that:

(1) The defendant-appellant, James Arthur Biggins, filed an appeal from the Superior Court’s April 27, 2011 order summarily dismissing his seventh motion for postconviction relief pursuant to Superior Court Criminal Rule 61. The plaintiff-appellee, the State of Delaware, has moved to affirm the judgment of the Superior Court on the ground that it is manifest on the

face of the opening brief that the appeal is without merit.<sup>1</sup> We agree and affirm. We also prohibit Biggins from filing any further papers in this Court challenging his convictions in Cr. ID No. 9609015504 without prior approval of a Justice of this Court.

(2) The record reflects that, in August 1997, Biggins was found guilty by a Superior Court jury of three counts of Unlawful Sexual Intercourse in the Second Degree, one count of Assault in the Third Degree and one count of Unlawful Imprisonment in the Second Degree. He was sentenced to a total of 30 years of Level V incarceration, to be followed by decreasing levels of supervision. Biggins' convictions were affirmed on direct appeal.<sup>2</sup>

(3) The Superior Court docket reflects that, since that time, Biggins has filed numerous appeals in this Court from the Superior Court's denials of his motions for postconviction relief and his petitions for extraordinary relief. The instant appeal is from the summary dismissal of his seventh motion for postconviction relief.

(4) In his appeal, Biggins claims that the Superior Court should not have summarily dismissed his postconviction motion. He argues that he demonstrated that his trial counsel must have been ineffective because his

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<sup>1</sup> Supr. Ct. R. 25(a).

<sup>2</sup> *Biggins v. State*, Del. Supr., No. 468, 1997, Walsh, J. (Nov. 24, 1999).

Martindale-Hubbell entry reflects that he was trained in “civil trial” practice and “family law” in law school. Biggins asserts that this amounts to “allowing a carpenter or a plumber to conduct open heart surgery.”

(5) We conclude that the Superior Court correctly denied Biggins’ seventh postconviction motion as frivolous and, therefore, grant the State’s motion to affirm. We also find that Biggins’ numerous filings in this Court, including the instant appeal, constitute an abuse of the processes of the Court.

NOW, THEREFORE, IT IS ORDERED that the State’s motion to affirm is GRANTED. The judgment of the Superior Court is AFFIRMED.

IT IS FURTHER ORDERED that Biggins is prohibited from filing any further papers in this Court challenging his convictions in Cr. ID No. 9609015504 without prior approval of a Justice of this Court.

BY THE COURT:

/s/ Carolyn Berger  
Justice