

IN THE SUPREME COURT OF THE STATE OF DELAWARE

JAMES ST. LOUIS,	§
	§
Defendant Below-	§ No. 184, 2012
Appellant,	§
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware,
STATE OF DELAWARE,	§ in and for Sussex County
	§ Cr. ID 0009015005
Plaintiff Below-	§
Appellee.	§

Submitted: May 23, 2012
Decided: June 25, 2012

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

ORDER

This 25th day of June 2012, upon consideration of the appellant’s opening brief, the State’s motion to affirm, and the record below, it appears to the Court that:

(1) The appellant, James St. Louis, filed this appeal from the Superior Court’s order denying his motion for a new trial. The State of Delaware has moved to affirm the Superior Court’s judgment on the ground that it is manifest on the face of St. Louis’s opening brief that the appeal is without merit. We agree and affirm.

(2) The record reflects that a Superior Court jury convicted St. Louis in May 2001 of first degree rape and continuous sexual abuse of a

child. The Superior Court sentenced him in June 2001 to a total period of 40 years incarceration to be suspended after 22 years for decreasing levels of supervision. This Court affirmed his convictions and sentences on direct appeal.¹ Since that time, St. Louis has filed five unsuccessful petitions seeking state postconviction relief² as well as unsuccessful petitions for correction of sentence and for federal habeas corpus relief.

(3) In March 2012, St. Louis filed a motion for new trial arguing that there was witness tampering in his case, that his rights were violated when the jury watched videotaped victim interviews during deliberations, and that his counsel was ineffective. All of these claims had been raised in St. Louis' prior postconviction petitions. The Superior Court denied St. Louis' motion for new trial. This appeal ensued.

(4) After careful consideration of the parties' respective positions, we find it manifest that the judgment of the Superior Court should be affirmed. St. Louis' motion for new trial clearly was untimely³ and he presented no new evidence that would warrant reconsideration of issues previously decided by this Court.⁴

¹ *St. Louis v. State*, 2002 WL 1160979 (Del. May 24, 2002).

² *See, e.g., St. Louis v. State*, 2011 WL 1771052 (Del. May 9, 2011).

³ Del. Super. Ct. Crim. R. 33 (2012) (providing that a motion for new trial shall be filed within 7 days after the verdict or within two years of the final judgment if the motion is based on newly discovered evidence).

⁴ *See Brittingham v. State*, 705 A.2d 577, 579 (Del. 1998) (holding that a defendant cannot continue to litigate previously decided issues simply by changing the number of the court rule pursuant to which he seeks relief).

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

BY THE COURT:

/s/ Henry duPont Ridgely
Justice