

IN THE SUPREME COURT OF THE STATE OF DELAWARE

JAMAR L. CAMPBELL,	§
	§
Defendant Below-	§ No. 297, 2003
Appellant,	§
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware,
STATE OF DELAWARE,	§ in and for New Castle County
	§ Cr.A. Nos. IN99-12-1779
Plaintiff Below-	§ IN99-12-1780
Appellee.	§

Submitted: July 3, 2003
Decided: August 21, 2003

Before **HOLLAND, STEELE** and **JACOBS**, Justices

ORDER

This 21st day of August 2003, 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, Jamar L. Campbell, filed an appeal from the Superior Court's May 30, 2003 order denying his motion for postconviction relief pursuant to Superior Court Criminal Rule 61. The State of Delaware has moved to affirm the Superior Court's judgment on the ground that it is manifest on the face of Campbell's opening brief that the appeal is without merit. We agree and **AFFIRM.**

(2) In March 2001, a Superior Court jury found Campbell guilty of Possession With Intent to Deliver Cocaine and Possession of Cocaine Within 300 Feet of a Park. Campbell was sentenced to a total of 18 years incarceration at Level V, to be suspended after 15 years for decreasing levels of probation. Campbell filed a direct appeal of the Superior Court's judgment, which was affirmed by this Court.¹

(3) In this appeal, Campbell claims that: a) the prosecutor made improper remarks at trial that were prejudicial to his case; b) the amendment to his indictment was prejudicial and deprived him of a fair trial; c) evidence of his criminal history was improperly admitted into evidence; d) there was insufficient evidence presented at trial to prove the State's case; and e) his trial counsel provided ineffective assistance by failing to conduct an adequate investigation, subpoena trial witnesses, make appropriate objections at trial, conduct a proper cross-examination of the State's witnesses, move to suppress evidence, challenge the arrest warrant, object to improper jury instructions, and move for a mistrial.

(4) Campbell's first four claims are procedurally barred either because they were not raised on direct appeal and there is no evidence of cause or

¹*Campbell v. State*, Del. Supr., No. 388, 2001, Walsh, J. (June 27, 2002).

prejudice,² or because they were previously adjudicated in his direct appeal and there is no evidence that reconsideration of the claims is warranted in the interest of justice.³ There is, moreover, no evidence of a miscarriage of justice occasioned by a constitutional violation that undermined the fundamental legality, integrity or fairness of the proceedings leading to the judgment of conviction.⁴

(5) In order to prevail on his claim of ineffective assistance of counsel, Campbell must show that his counsel's representation fell below an objective standard of reasonableness and that, but for counsel's professional errors, there is a reasonable probability that the outcome of the proceedings would have been different.⁵ Although not insurmountable, the *Strickland* standard is highly demanding and leads to a "strong presumption that the representation was professionally reasonable."⁶

(6) Campbell's claims of ineffective assistance of counsel are unavailing. Campbell has presented no evidence that any claimed error on the part of his counsel resulted in prejudice to him.

²SUPER. CT. CRIM. R. 61(i) (3).

³SUPER. CT. CRIM. R. 61(i) (4).

⁴SUPER. CT. CRIM. R. 61(i) (5).

⁵*Strickland v. Washington*, 466 U.S. 668, 688, 694 (1984).

⁶*Flamer v. State*, 585 A.2d 736, 753 (Del. 1990).

(7) It is manifest on the face of Campbell's opening brief that this appeal is without merit because the issues presented on appeal are controlled by settled Delaware law and, to the extent that judicial discretion is implicated, clearly there was no abuse of discretion.

NOW, THEREFORE, IT IS ORDERED that, pursuant to Supreme Court Rule 25(a), the State of Delaware's motion to affirm is GRANTED. The judgment of the Superior Court is AFFIRMED.⁷

BY THE COURT:

/s/ Myron T. Steele
Justice

⁷After the State filed its motion to affirm, Campbell filed a motion for leave to respond in which he argues that the State's motion to affirm "mischaracterizes" his claims. We have reviewed Campbell's motion and it neither supports that argument nor presents any matter that is different from what is contained in his opening brief. For these reasons, Campbell's motion for leave to respond is denied.