

IN THE SUPREME COURT OF THE STATE OF DELAWARE

BENJAMIN WALLS, III,	§
	§
Defendant Below,	§ No. 213, 2016
Appellant,	§
	§ Court Below—Superior Court
v.	§ of the State of Delaware
	§
STATE OF DELAWARE,	§ Cr. ID No. 0303007019
	§
Plaintiff Below,	§
Appellee.	§

Submitted: June 7, 2016
Decided: August 1, 2016

Before **STRINE**, Chief Justice; **HOLLAND** and **SEITZ**, Justices.

ORDER

This 1st day of August 2016, after careful consideration of the appellant's opening brief, the State's motion to affirm, and the record on appeal, the Court concludes that the April 12, 2016 order of the Superior Court dismissing the appellant's sixth motion for postconviction relief should be affirmed. The motion was subject to summary dismissal under Superior Court Criminal Rule 61 because it was the appellant's sixth motion for postconviction relief and the appellant failed to plead with particularity the existence of new evidence that created a strong inference of actual innocence or a new rule of constitutional law that was

retroactively applicable.¹ This is Walls' sixth unsuccessful motion for postconviction relief. We will not continue to invest scarce judicial resources to address untimely and repetitive claims. We encourage Walls to be mindful of Rule 61(j).²

NOW, THEREFORE, IT IS ORDERED that the motion to affirm is GRANTED and the judgment of the Superior Court is AFFIRMED.

BY THE COURT:

/s/ Leo E. Strine, Jr.

Chief Justice

¹ Super. Ct. Crim. R. 61(d)(2).

² Super. Ct. R. 61(j) ("If a motion is denied, the state may move for an order requiring the movant to reimburse the state for costs and expenses paid for the movant from public funds.").