

IN THE SUPREME COURT OF THE STATE OF DELAWARE

EFRAIN RIVERA,	§	
	§	No. 416, 2015
Defendant Below,	§	
Appellant,	§	
v.	§	Court Below - Superior Court
	§	of the State of Delaware
STATE OF DELAWARE,	§	
	§	
Plaintiff Below,	§	Cr. No. 0908013580
Appellee.	§	

Submitted: March 2, 2016

Decided: March 21, 2016

Before **STRINE**, Chief Justice, **VALIHURA** and **VAUGHN**, Justices.

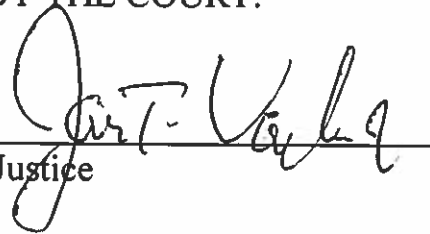
ORDER

This 21th day of March 2016, the Court having considered this matter on the briefs filed by the parties, it appears that the primary arguments of the appellant all center on his contention that he was having an affair with the alleged victim of the offenses for which he was convicted. We fail to see any record evidence that supports the proposition that the appellant told his counsel this theory of the case and sought to present this as his defense at trial. Counsel cannot be ineffective for failing to put on a defense that a defendant never gives him grounds to present. We have determined that the final judgment of the Superior Court should be affirmed substantially on the basis of and for the reasons assigned by the Superior Court in its

opinion dated July 9, 2015.

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

BY THE COURT:


Justice