

IN THE SUPREME COURT OF THE STATE OF DELAWARE

CLAUDE LACOMBE,	§
	§ No. 22, 2018
Defendant Below-	§
Appellant,	§
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware
STATE OF DELAWARE,	§
	§ Cr. ID 1201018188 (N)
Plaintiff Below-	§
Appellee.	§

Submitted: February 8, 2018

Decided: April 5, 2018

Before **STRINE**, Chief Justice; **VALIHURA** and **TRAYNOR**, Justices.

ORDER

This 5th day of April 2018, after consideration of the opening brief and the motion to affirm, it is clear that the judgment below should be affirmed on the basis of and for the reasons assigned by the Superior Court in its well-reasoned decision dated December 21, 2017. This was Lacombe’s second motion for postconviction relief following his guilty plea in 2013. A second or subsequent postconviction motion following the entry of a guilty plea is subject to summary dismissal under Rule 61(d)(2).¹ The Superior Court did not err in denying Lacombe relief.

¹ Del. Super. Ct. Crim. R. 61(d)(2) (stating that a second or subsequent Rule 61 motion “shall be summarily dismissed, unless the movant was convicted after a trial and the motion” meets additional criteria under the rule).

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

BY THE COURT:

/s/ Leo E. Strine, Jr.

Chief Justice