

IN THE SUPREME COURT OF THE STATE OF DELAWARE

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|--------------------|------------------------------|
| JERMAINE CARTER, | § |
| | § No. 297, 2020 |
| Defendant Below, | § |
| Appellant, | § |
| | § |
| v. | § Court Below–Superior Court |
| | § of the State of Delaware |
| STATE OF DELAWARE, | § |
| | § Cr. ID No. 0810013184 (N) |
| Plaintiff Below, | § |
| Appellee. | § |

Submitted: November 5, 2020
Decided: November 16, 2020

Before **VAUGHN, TRAYNOR**, and **MONTGOMERY-REEVES**, Justices.

ORDER

After careful consideration of the appellant’s opening brief, the State’s motion to affirm, and the Superior Court record, we conclude that the Superior Court did not abuse its discretion when it summarily dismissed the appellant’s successive and repetitive motions for postconviction relief. The appellant, Jermaine Carter, has not pleaded with particularity new evidence of actual innocence or that a new, retroactive rule of constitutional law renders his conviction invalid.¹ Nor has Carter asserted any claim that the Superior Court lacked jurisdiction.²

¹ Del. Super. Ct. Crim. R. 61(d)(2).

² Del. Super. Ct. Crim. R. 61(i)(5).

Finally, we note that Carter's motion to proceed *in forma pauperis* was improvidently granted in this case. We previously concluded that Carter's untimely, repetitive, and frivolous filings constituted an abuse of the judicial process and enjoined him from filing appeals in this Court without first seeking leave of the Court.³

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

BY THE COURT:

/s/ Gary F. Traynor
Justice

³ *Carter v. State*, 2020WL 1652560, at *1 (Del. Apr. 2, 2020).