

IN THE SUPREME COURT OF THE STATE OF DELAWARE

KEITH L. CAMPBELL,	§
	§
Defendant Below,	§ No. 290, 2020
Appellant,	§
	§ Court Below—Superior Court
v.	§ of the State of Delaware
	§
STATE OF DELAWARE,	§ Cr. ID No. 1411008699 (N)
	§
Plaintiff Below,	§
Appellee.	§

Submitted: January 6, 2021
Decided: February 8, 2021

Before **SEITZ**, Chief Justice; **VALIHURA** and **MONTGOMERY-REEVES**,
Justices.

ORDER

After careful consideration of the appellant’s opening brief, the appellee’s motion to affirm, and the record on appeal, we conclude that the judgment below should be affirmed on the basis of the Superior Court’s order, dated August 25, 2020, adopting the Commissioner’s report and recommendations, dated June 4, 2020. The Superior Court did not err in concluding that the appellant’s third motion for postconviction relief was subject to summary dismissal because he pleaded guilty and was not convicted after trial.¹

¹ Super. Ct. Crim. R. 61(d)(2) (providing that a second or subsequent Rule 61 motion “shall be summarily dismissed, unless the movant was convicted after a trial and the motion” pleads with

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/ Collins J. Seitz, Jr.
Chief Justice

particularity new evidence creating a strong inference that the movant was actually innocent or a new rule of constitutional law made retroactive to cases on collateral review).