

IN THE SUPREME COURT OF THE STATE OF DELAWARE

DARRYL L. GRAYSON,	§
	§ No. 202, 2022
Defendant Below,	§
Appellant,	§
v.	§ Court Below–Superior Court
	§ of the State of Delaware
	§
STATE OF DELAWARE,	§
	§ Cr. ID No. 1809000343 (N)
Appellee.	§

Submitted: August 26, 2022
Decided: November 1, 2022

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

ORDER

After consideration of the appellant’s opening brief, the State’s motion to affirm, and the record on appeal, we affirm the Superior Court’s summary dismissal of the appellant’s second, untimely motion for postconviction relief. Contrary to the appellant’s claim, our ruling in *Taylor v. State*¹ did not announce a new, retroactively applicable rule of constitutional law. Even if it did, however, the appellant cannot avail himself of Superior Court Criminal Rule 61(d)(2)(ii) because he waived his right to a jury trial and chose to plead guilty.²

¹ 260 A.3d 602, 604 (Del. 2021) (holding that the warrant to search the defendant’s smartphones, which was unlimited in time and scope, violated the defendant’s constitutional rights and Delaware statutory law).

² Del. Super. Ct. Crim. R. 61(d)(2)(ii) (providing that a second or subsequent motion for postconviction relief must be summarily dismissed unless the movant was convicted after a trial and pleads “with particularity a claim that a new rule of constitutional law, made retroactive to

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

BY THE COURT:

/s/ Collins J. Seitz, Jr.
Chief Justice

cases on collateral review by the United States Supreme Court of the Delaware Supreme Court, applies to the movant's case and renders the conviction or death sentence invalid").