

IN THE SUPREME COURT OF THE STATE OF DELAWARE

JERMAINE L. CARTER,	§
	§ No. 388, 2022
Defendant Below,	§
Appellant,	§
v.	§ Court Below–Superior Court
	§ of the State of Delaware
	§
STATE OF DELAWARE,	§
	§ Cr. ID No. 1605016488 (N)
Appellee.	§

Submitted: November 10, 2022

Decided: January 12, 2023

Before **SEITZ**, Chief Justice; **VAUGHN** 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 third, untimely motion for postconviction relief. The appellant has not pleaded with particularity new evidence of actual innocence¹ or that a new, retroactively applicable rule of constitutional law renders his conviction invalid.² Nor has the appellant claimed that the Superior Court lacked jurisdiction to enter a judgment of conviction and sentence him.³

¹ Del. Super. Ct. Crim. R. 61(d)(2)(i).

² Del. Super. Ct. Crim. R. 61(d)(2)(ii).

³ Del. Super. Ct. Crim. R. 61(i)(5).

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

BY THE COURT:

/s/ Gary F. Traynor
Justice