

IN THE SUPREME COURT OF THE STATE OF DELAWARE

PERNELL L. DAVIS,	§
	§
Defendant Below-	§ No. 474, 2000
Appellant,	§
	§ Court Below—Superior Court
v.	§ of the State of Delaware,
	§ in and for New Castle County
STATE OF DELAWARE,	§ Cr.A. No. IN95-11-0431
	§
Plaintiff Below-	§
Appellee.	§

Submitted: March 28, 2001

Decided: April 25, 2001

Before **VEASEY**, Chief Justice, **HOLLAND**, and **BERGER**, Justices.

ORDER

This 25th day of April 2001, upon consideration of the parties' briefs, it appears to the Court that:

(1) The defendant-appellant, Pernell L. Davis, was convicted in 1998 of first degree robbery. The Superior Court sentenced Davis to ten years in jail followed by five years probation. On direct appeal, Davis' counsel filed a brief pursuant to Supreme Court Rule 26(c). Although advised that he could do so, Davis did not file any additional points for this Court to consider on direct appeal. The Court affirmed Davis' conviction and sentence. In May 2000, Davis filed his first petition for postconviction relief and asserted four grounds for relief: (i) the trial court erred when it failed to instruct the jury on

accomplice liability; (ii) the trial court erred by giving a misleading jury instruction; (iii) the State improperly vouched for the credibility of a key State witness; and (iv) Davis' trial and appellate counsel were ineffective. The Superior Court denied Davis' petition on its merits. This is Davis' appeal from the Superior Court's denial of his petition.

(2) Having carefully considered the parties' respective briefs, we find it manifest that the judgment of the Superior Court should be affirmed on the basis of the Superior Court's well-reasoned decision dated September 6, 2000. The Superior Court did not err in concluding that Davis' claims lacked merit. Accordingly, we find no abuse of discretion in the Superior Court's summary disposition of Davis' claims without holding a hearing.¹

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

BY THE COURT:

/s/ Randy J. Holland
Justice

¹ See *Maxion v. State*, Del. Supr., 686 A.2d 148, 11 (1996).