

IN THE SUPREME COURT OF THE STATE OF DELAWARE

CARL J. HASKINS, JR.,	§
	§
Defendant Below-	§ No. 377, 2001
Appellant,	§
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware,
STATE OF DELAWARE,	§ in and for New Castle County
	§ Cr.A. No. IN86-08-0702
Plaintiff Below-	§ C.A. No. 01M-05-058
Appellee.	§

Submitted: September 5, 2001

Decided: October 17, 2001

Before **VEASEY**, Chief Justice, **BERGER** and **STEELE**, Justices

ORDER

This 17th day of October 2001, it appears to the Court that:

(1) On August 8, 2001, the Court received the notice of appeal of defendant-appellant, Carl J. Haskins, Jr. The appeal was from the Superior Court's July 25, 2001 order denying reargument of its denial of Haskins' petition for a writ of habeas corpus (C.A. No. 01M-05-058) and from the Superior Court's July 16, 2001 order denying Haskins' request that the charges against him be dismissed (Cr.A. No. IN86-08-0702).

(2) On August 16, 2001, the Clerk issued a notice pursuant to Supreme Court Rule 29(b) directing Haskins to show cause why the appeal should not be

dismissed as repetitive and frivolous.¹ Haskins filed his response to the notice to show cause on August 22, 2001. The State of Delaware filed a memorandum in support of dismissal on August 31, 2001. Haskins states that his appeal should not be dismissed because his current claim is different from the claims regarding his conviction and sentence that led to this Court's Order limiting his appeals.² Specifically, Haskins argues that the Department of Correction's 1993 modification of the procedures relating to "good time" constitutes an ex post facto violation because it changed the "quantum of punishment."³

(3) We conclude that the claim asserted in Haskins' appeal is repetitive of claims made and decided by this Court in a previous appeal.⁴ The Superior Court was, therefore, correct in dismissing Haskins' claim as previously adjudicated. We further conclude that any future filings by Haskins asserting the

¹*In the Matter of the Petition of Carl J. Haskins, Jr. for a Writ of Prohibition*, Del. Supr., No. 472, 1994, Hartnett, J., 1995 WL 13441 (Jan. 11, 1995) (ORDER) (ordering that no further filings by Haskins in regard to his conviction or sentencing for second degree rape would be docketed in the Supreme Court without a Justice of the Court first determining that the proposed application is neither repetitious nor frivolous).

²*Id.*

³Citing *Weaver v. Graham*, 450 U.S. 24, 36 (1981).

⁴*Haskins v. Delaware Correctional Center*, Del. Supr., No. 406, 1999, Holland, J., 2000 WL 628332 (Apr. 28, 2000) (ORDER) (deciding that the Department of Correction's modification of the "good time" policy did not constitute either a due process or an ex post facto violation).

claim made in the instant appeal will be governed by this Court's Order limiting Haskins' appeals.⁵

NOW, THEREFORE, IT IS ORDERED, pursuant to Supreme Court Rule 29(b), that the within appeal is DISMISSED.

BY THE COURT:

/s/ Myron T. Steele
Justice

⁵*In the Matter of the Petition of Carl J. Haskins, Jr. for a Writ of Prohibition*, Del. Supr., No. 472, 1994, Hartnett, J., 1995 WL 13441 (Jan. 11, 1995) (ORDER).