

IN THE SUPREME COURT OF THE STATE OF DELAWARE

JAMES G. BROWN,	§
	§
Defendant Below-	§ No. 457, 2003
Appellant,	§
	§ Court Below—Superior Court
v.	§ of the State of Delaware,
	§ in and for New Castle County
STATE OF DELAWARE,	§ Cr.A. No. IN88-06-0851
	§ Cr. ID 88004213DI
Plaintiff Below-	§
Appellee.	§

Submitted: November 21, 2003

Decided: December 18, 2003

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

ORDER

This 18th day of December 2003, upon consideration of the parties' briefs and the record below, it appears to the Court that:

(1) The defendant-appellant, James Brown, pled guilty in 1988 to one count of first degree unlawful sexual intercourse. The Superior Court sentenced Brown to life imprisonment. Brown unsuccessfully moved to withdraw his guilty plea on the ground that he had received ineffective assistance from his trial counsel. Since that time, Brown has filed several unsuccessful federal habeas corpus and state postconviction relief petitions asserting various arguments. In June 2003, Brown filed several motions including a motion for postconviction relief, as well as a motion to recuse

the judge to whom the postconviction motion was assigned. The Superior Court denied all of Brown's motions. This appeal ensued.

(2) Having carefully considered the parties' respective positions, 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 August 18, 2003. The Superior Court was not required to consider the merits of Brown's claims, which were both time-barred and previously adjudicated.¹ Moreover, we find no error in the Superior Court's denial of Brown's recusal motion. Without more, a judge's prior rulings in a case are not a sufficient basis for a recusal motion.² Accordingly, we find no abuse of discretion in the Superior Court's summary disposition of Brown's motion for postconviction relief without holding a hearing.³

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

BY THE COURT:

/s/ Randy J. Holland
Justice

¹ Del. Super. Ct. Crim. R. 61(i)(1), (4) (2003).

² See *In re Wittrock*, 649 A.2d 1053, 1054 (Del. 1994).

³ See *Maxion v. State*, 686 A.2d 148, 151 (Del. 1996).