

IN THE SUPREME COURT OF THE STATE OF DELAWARE

JAMAR L. CAMPBELL,	§
	§
Defendant Below-	§ No. 502, 2002
Appellant,	§
	§ Court Below—Superior Court
v.	§ of the State of Delaware,
	§ in and for New Castle County
STATE OF DELAWARE,	§ Cr.A. Nos. IN99-12-1779 and
	§ -1780
Plaintiff Below-	§ Cr. ID 9912011058
Appellee.	§

Submitted: November 8, 2002
Decided: December 19, 2002

Before **VEASEY**, Chief Justice, **WALSH**, and **STEELE**, Justices.

ORDER

This 19th day of December 2002, upon consideration of the parties' briefs and the record below, it appears to the Court that:

(1) The defendant-appellant, Jamar Campbell, filed this appeal from the Superior Court's denial of his motion for a new trial. In March 2001, a Superior Court jury convicted Campbell of one count of possession with intent to deliver cocaine and one count of possession of cocaine within 300 of a park. The Superior Court sentenced Campbell in August 2001 to a total period of eighteen years incarceration to be suspended after serving fifteen years for decreasing levels of supervision. Campbell's counsel filed a direct appeal on Campbell's behalf. On May 28, 2002, Campbell filed a pro se motion for new trial. The Superior Court

deferred action on the motion until this Court issued its mandate and returned the Superior Court record following Campbell's direct appeal. On July 15, 2002, the Clerk of this Court issued the mandate following our affirmance of Campbell's convictions and sentences on direct appeal.¹ On August 13, 2002, the Superior Court denied Campbell's motion for a new trial. This appeal followed.

(2) On appeal, Campbell asserts that the Superior Court erred in denying his motion for a new trial without addressing the substance of his claims. Campbell asserted in his motion that a new trial was warranted because the Superior Court had improperly admitted certain evidence and because the Superior Court had given an erroneous jury instruction. A motion for a new trial, however, must be filed within seven days after the verdict unless it is based on a claim of newly-discovered evidence, which Campbell's motion was not.² In this case, Campbell's motion was not filed until more than a year after the jury's verdict and almost ten months from the Superior Court's sentencing. Accordingly, we find no error in the Superior Court's decision denying Campbell's motion for a new trial.

¹ *Campbell v. State*, Del. Supr., No. 388, 2001, Walsh, J. (June 27, 2002).

² DEL. SUPER. CT. CRIM. R. 33.

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

BY THE COURT:

/s/ Myron T. Steele
Justice