

IN THE SUPREME COURT OF THE STATE OF DELAWARE

|                    |   |                                 |
|--------------------|---|---------------------------------|
| ELWOOD TEAGLE,     | § |                                 |
|                    | § |                                 |
| Defendant Below-   | § | No. 53, 2000                    |
| Appellant,         | § |                                 |
|                    | § |                                 |
| v.                 | § | Court Below— Superior           |
|                    | § | Court of the State Delaware, in |
| STATE OF DELAWARE, | § | and for Sussex County, in Cr.A. |
|                    | § | Nos. S81-03-0165 through        |
| Plaintiff Below-   | § | 0173.                           |
| Appellee.          | § |                                 |

Submitted: March 27, 2000

Decided: April 14, 2000

Before **WALSH, HOLLAND and HARTNETT**, Justices.

**ORDER**

This 14<sup>th</sup> day of April 2000, upon consideration of the appellant's opening brief and the State's motion to affirm, it appears to the Court that:

(1) In 1981, a Superior Court jury convicted the defendant-appellant, Elwood Teagle ("Teagle"), of two counts of first degree rape, three counts of possession of a deadly weapon during the commission of a felony, two counts of first degree kidnapping, one count of first degree assault, one count of attempted manslaughter, one count of attempted first degree rape, and two counts of second degree burglary. This Court

affirmed all of Teagle's convictions, except for the attempted manslaughter conviction, which was reversed.<sup>1</sup> Over the years, Teagle has raised numerous postconviction relief claims in both federal and state courts. Teagle's applications for relief have been denied.

(2) On December 30, 1999, Teagle filed his eighth motion for postconviction relief in the Superior Court. By order dated January 12, 2000, the Superior Court summarily denied relief, holding that the motion was procedurally barred pursuant to Superior Court Criminal Rule 61 ("Rule 61"). This appeal followed.

(3) When reviewing the Superior Court's denial of a postconviction motion pursuant to Rule 61, this Court first must consider the procedural requirements of the rule before addressing any substantive issues.<sup>2</sup> A motion for postconviction relief may not be filed more than three years after a conviction has become final,<sup>3</sup> unless there is a claim that the trial court lacked jurisdiction or there is a colorable claim that there was a miscarriage of justice because of a constitutional violation.<sup>4</sup> Furthermore, any formerly adjudicated claim is barred from further

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<sup>1</sup> See *Teagle v. State*, Del. Supr., No. 315, 1981, McNeilly, J. (Mar. 11, 1983) (ORDER).

<sup>2</sup> *Younger v. State*, Del. Supr., 580 A.2d 552, 554 (1990).

<sup>3</sup> Super. Ct. Crim. R. 61(i)(1).

examination absent a showing that consideration “is warranted in the interest of justice.”<sup>5</sup>

(4) In this appeal, Teagle contends that there was insufficient evidence to convict him of “rape in any degree.” Teagle claims that the State withheld exculpatory evidence consisting of a medical report describing the victim’s injuries and an FBI lab report indicating the absence of blood on Teagle’s jacket. Teagle claims that these “newly discovered” reports support his claim that he did not commit rape.

(5) “Newly discovered evidence” is, in part, evidence which could not have been discovered before trial by the exercise of due diligence.<sup>6</sup> The record contradicts Teagle’s assertion that the medical and FBI reports are “newly discovered evidence.” It appears that defense counsel obtained the victim’s medical report and reviewed that report with Teagle in preparing his defense for trial. It further appears that defense counsel cross-examined a police detective as to the results of the FBI report, including the result that no blood was found on Teagle’s jacket. Teagle has not demonstrated that the medical and FBI reports are “newly

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<sup>4</sup> Super. Ct. Crim. R. 61(i)(5).

<sup>5</sup> Super. Ct. Crim. R. 61(i)(4).

<sup>6</sup> *Lloyd v. State*, Del. Supr., 534 A.2d 1262, 1267 (1987).

discovered evidence,” and his claim to the contrary is contradicted by the record.

(6) To the extent Teagle alleges that there was insufficient evidence to convict him of rape, Teagle’s claim is barred as formerly adjudicated. Whether there was sufficient evidence to convict Teagle of rape was previously adjudicated on direct appeal to this Court and has been the subject of several unsuccessful collateral attacks in both the Superior Court and federal District Court.<sup>7</sup> Teagle has made no showing that “reconsideration of the claim is warranted in the interest of justice.”<sup>8</sup>

(7) Finally, Teagle’s convictions became final in 1983 after this Court issued the mandate following his direct appeal.<sup>9</sup> Teagle’s eighth motion for postconviction relief was filed in 1999, more than 16 years after Teagle’s convictions became final. Teagle has not demonstrated an applicable exception to the three-year limitations period for bringing a postconviction action, and his motion for postconviction relief is therefore barred.

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<sup>7</sup> See *Teagle v. Redman*, D. Del., Civ. A. No. 89-262-JLL, Latchum, J. (Feb. 19, 1991).

<sup>8</sup> Super. Ct. Crim. R. 61(i)(4).

<sup>9</sup> *Jackson v. State*, Del. Supr., 654 A.2d 829, 833 (1995).

(8) It is manifest on the face of Teagle's opening brief that the appeal is without merit because the issues presented are clearly controlled by settled Delaware law, and to the extent that judicial discretion was involved, clearly there was no abuse of discretion.

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

BY THE COURT:

Randy J. Holland  
Justice