

IN THE SUPREME COURT OF THE STATE OF DELAWARE

MICHAEL RAIFORD,	§	
	§	No. 30, 2002
Defendant Below,	§	
Appellant,	§	Court Below--Superior Court
	§	of the State of Delaware, in
v.	§	and for Sussex County in IS93-
	§	11-0148-R2, 0150-R2, 0151-2,
STATE OF DELAWARE,	§	R2, 0153-R2 through 0156-R2.
	§	
Plaintiff Below,	§	
Appellee.	§	Def. ID No. 93S05231DI

Submitted: March 7, 2002

Decided: April 17, 2002

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

ORDER

This 17th day of April 2002, upon consideration of the appellant's opening brief and the appellee's motion to affirm pursuant to Supreme Court Rule 25(a), it appears to the Court that:

(1) The appellant, Michael Raiford, filed this appeal from the Superior Court's denial of his second motion for postconviction relief. The appellee, State of Delaware, has moved to affirm the judgment of the Superior Court on the ground that it is manifest on the face of Raiford's opening brief that the appeal is without merit. We agree and **AFFIRM**.

(2) After a four-day jury trial in June 1994, Raiford was convicted of Attempted Murder in the First Degree, Robbery in the First Degree, two

counts of Unlawful Sexual Intercourse in the First Degree, Kidnapping in the First Degree, Kidnapping in the Second Degree, and two counts of Possession of a Deadly Weapon During the Commission of a Felony. On direct appeal, this Court reversed the First Degree Kidnapping conviction and affirmed all of the other convictions.¹

(3) On September 24, 1998, the Superior Court denied Raiford's first motion for postconviction relief. On April 9, 1999, Raiford voluntarily dismissed his appeal from that decision. On January 8, 2002, the Superior Court denied Raiford's second motion for postconviction relief. This appeal followed.

(4) It is manifest to the Court that this matter should be affirmed on the basis of and for the reasons set forth in the Superior Court's January 8 decision. We agree with the Superior Court that Raiford's motion is untimely and repetitive and thus is procedurally barred.² Moreover, we agree that Raiford has not made the requisite showing of a newly recognized right, a viable jurisdictional claim, or a colorable constitutional violation, to warrant

¹*Raiford v. State*, 1995 WL 46693 (Del. Supr.).

²Supr. Ct. R. 61(i)(1), (2).

application of an exception to the procedural bar.³ Furthermore, as determined by the Superior Court, aspects of Raiford's motion, specifically, claims related to his "Fifth Amendment" argument, are procedurally barred as formerly adjudicated.⁴ We agree that reconsideration of the formerly adjudicated claims is not warranted in the interest of justice.⁵

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:

s/Joseph T. Walsh
Justice

³Supr. Ct. R. 61(i)(5).

⁴Supr. Ct. R. 61(i)(4).

⁵*Id.*