

IN THE SUPREME COURT OF THE STATE OF DELAWARE

ROBERT B. OLDHAM,	§
	§ No. 662, 2006
Defendant Below-	§
Appellant,	§
	§ Court Below—Superior Court
v.	§ of the State of Delaware
	§ in and for New Castle County
STATE OF DELAWARE,	§ Cr. ID No. 92001855DI
	§
Plaintiff Below-	§
Appellee.	§

Submitted: May 25, 2007

Decided: July 18, 2007

Before **STEELE**, Chief Justice, **JACOBS** and **RIDGELY**, Justices

ORDER

This 18th day of July 2007, upon consideration of the briefs on appeal and the record below, it appears to the Court that:

(1) The defendant-appellant, Robert B. Oldham, filed an appeal from the Superior Court's November 21, 2006 order denying his third motion for postconviction relief pursuant to Superior Court Criminal Rule 61. We find no merit to the appeal. Accordingly, we affirm.

(2) In March 1992, Oldham pleaded guilty to Attempted Murder in the First Degree, Unlawful Sexual Intercourse in the First Degree, Robbery in the First Degree, Assault in the First Degree, Burglary in the First Degree, two counts of Unlawful Sexual Penetration in the First Degree, and Indecent

Exposure. He was sentenced to life imprisonment plus 30 years. Oldham's convictions and sentences were affirmed by this Court on direct appeal.¹

(3) In this appeal, Oldham claims that the Superior Court abused its discretion by denying his motion for postconviction relief as procedurally barred.

(4) In his motion for postconviction relief filed in the Superior Court, Oldham argued that his counsel provided ineffective assistance by failing to: conduct an investigation into the factual circumstances of the charges against him; move to suppress his statement to police; and disclose information to him that was pertinent to the plea bargain offered by the State. Oldham also argued that the Superior Court improperly ignored his motion to withdraw his guilty plea and failed to take into consideration the conflict of interest that existed between him and his counsel prior to imposing sentence.

(5) The record reflects that Oldham's claims are time-barred.² Moreover, Oldham has failed to demonstrate that his claims should be considered because of a constitutional violation that undermined the fundamental legality, reliability, integrity or fairness of the proceedings

¹ *Oldham v. State*, Del. Supr., No. 232, 1992, Veasey, C.J. (Dec. 17, 1992).

² Super. Ct. Crim. R. 61(i) (1).

leading to the judgment of conviction.³ Even if his claims were not time-barred, the record reflects that Oldham raised the issue of ineffective assistance of counsel in his previous motions for postconviction relief. As such, his ineffectiveness claims in this proceeding are barred as previously adjudicated.⁴

(6) To the extent Oldham argues that his claims of impropriety on the part of the Superior Court are new claims that should be considered at this time, that argument, too, is unavailing. Oldham had the opportunity to raise those claims in his previous motions, but failed to do so.⁵ Moreover, we do not find that consideration of the claims at this time is warranted in the interest of justice.⁶ We, therefore, conclude that the Superior Court properly denied Oldham's postconviction motion.

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

BY THE COURT:

/s/Henry duPont Ridgely
Justice

³ Super. Ct. Crim. R. 61(i) (5).

⁴ Super. Ct. Crim. R. 61(i) (4).

⁵ Super. Ct. Crim. R. 61(i) (2).

⁶ Id.