

IN THE SUPREME COURT OF THE STATE OF DELAWARE

ELTON L. PUMPHREY,	§
	§
Defendant Below-	§ No. 580, 2006
Appellant,	§
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware,
STATE OF DELAWARE,	§ in and for Sussex County
	§ Cr. ID 0002014519
Plaintiff Below-	§
Appellee.	§

Submitted: August 10, 2007

Decided: October 23, 2007

Before **HOLLAND, BERGER,** and **JACOBS,** Justices.

ORDER

This 23rd day of October 2007, after careful consideration of the parties' briefs and record on appeal, we find it manifest that the judgment below should be affirmed on the basis of the Superior Court's well-reasoned decision dated October 17, 2006. The Superior Court did not err in concluding that appellant lacked standing to pursue a motion for postconviction relief because appellant had completed his sentence and thus was no longer "in custody or subject to future custody" under the sentence

for which postconviction relief was sought.¹ Moreover, given his lengthy criminal record, Pumphrey could not establish that he would suffer any collateral consequences as a result of the convictions he sought to challenge in his motion.² Accordingly, his motion for postconviction relief was moot.

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

BY THE COURT:

/s/ Carolyn Berger
Justice

¹ See Del. Super. Ct. Crim. R. 61(a)(1), which provides that a motion for postconviction relief may only be brought by “a person in custody or subject to future custody under a sentence” of the Superior Court.

² *Gural v. State*, 251 A.2d 344, 344-45 (Del. 1969).