

IN THE SUPREME COURT OF THE STATE OF DELAWARE

JIMMIE LEWIS,	§
	§ No. 233, 2007
Defendant Below-	§
Appellant,	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware
	§ in and for New Castle County
STATE OF DELAWARE,	§ Cr. ID No. 0305016966
	§
Plaintiff Below-	§
Appellee.	§

Submitted: September 28, 2007  
Decided: November 15, 2007

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

**ORDER**

This 15<sup>th</sup> day of November 2007, upon consideration of the briefs on appeal and the record below, it appears to the Court that:

(1) The defendant-appellant, Jimmie Lewis, filed an appeal from the Superior Court’s April 27, 2007 order denying his second motion for postconviction relief pursuant to Superior Court Criminal Rule 61. We find no merit to the appeal. Accordingly, we affirm.

(2) In October 2003, Lewis was found guilty by a Superior Court jury of Carjacking in the Second Degree, Felony Theft, and Resisting Arrest. He was sentenced to 8 years of Level V incarceration, to be suspended after

6 years for decreasing levels of supervision. This Court affirmed Lewis' convictions and sentences on direct appeal.<sup>1</sup>

(3) In this appeal, Lewis presents several claims, which may fairly be summarized as follows: a) the Superior Court violated his due process rights by considering a court-ordered mental health evaluation; and b) his trial counsel provided ineffective assistance by failing to challenge the findings of the mental health evaluation.

(4) As the Superior Court properly determined, Lewis' second postconviction motion was untimely.<sup>2</sup> Moreover, both of Lewis' claims were adjudicated previously, the first in his direct appeal as well as his first postconviction motion and the second in his first postconviction motion.<sup>3</sup> While Lewis attempts to overcome the procedural bar by arguing that reconsideration of his claims is warranted in the interest of justice,<sup>4</sup> his attempt is unavailing. Lewis' claims were fully considered in his previous submissions and we find no justification for reconsidering them in this proceeding.

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<sup>1</sup> *Lewis v. State*, Del. Supr., No. 64, 2005, Berger, J. (Sept. 29, 2005).

<sup>2</sup> Super. Ct. Crim. R. 61(i) (1).

<sup>3</sup> Super. Ct. Crim. R. 61(i) (4).

<sup>4</sup> *Id.*

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

BY THE COURT:

/s/ Jack B. Jacobs  
Justice