

IN THE SUPREME COURT OF THE STATE OF DELAWARE

RICHARD J. MORGAN,	§
	§ No. 509, 2016
Defendant Below-	§
Appellant,	§
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware
STATE OF DELAWARE,	§
	§ Cr. ID 1003022700
Plaintiff Below-	§
Appellee.	§

Submitted: October 21, 2016

Decided: November 21, 2016

Before **STRINE**, Chief Justice; **VAUGHN**, and **SEITZ**, Justices

**ORDER**

This 21<sup>st</sup> day of November 2016, after careful consideration of the appellant's opening brief, the State's motion to affirm, and the record on appeal, the Court concludes that the September 20, 2016 order of the Superior Court dismissing the appellant's second motion for postconviction relief should be affirmed. The motion was subject to summary dismissal because it was the appellant's second motion for postconviction relief following his 2011 guilty plea.<sup>1</sup>

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<sup>1</sup> Super. Ct. Crim. R. 61(d)(2) (2016) (emphasis supplied) (providing that a second or subsequent motion for postconviction relief shall be summarily dismissed unless the movant was convicted *after trial* and pleads with particularity a claim that the movant is actually innocent or a claim that a new rule of constitutional law is retroactively applicable and renders the conviction invalid).

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

BY THE COURT:

/s/ Collins J. Seitz, Jr.  
Justice