# CAPTION: STATE V. DELONEY

**03-29-23**

APPEAL NO.: C-220433

TRIAL NO.: B-1303726

KEY WORDS: INTELLECTUAL DISABILITY – *ATKINS* HEARING – APPELLATE REVIEW

SUMMARY:

 We affirm the trial court’s judgment determining that defendant suffers from an intellectual disability and is thus ineligible for the death penalty where the state failed to raise an argument on appeal and the trial court’s findings were supported by competent, credible evidence.

JUDGMENT: AFFIRMED

JUDGES: OPINION by BERGERON, J.; CROUSE, P.J., and BOCK, J., CONCUR.