

IN THE SUPREME COURT OF THE STATE OF DELAWARE

SAMUEL L. HARRIS,	§
	§ No. 171, 2014
Defendant Below-	§
Appellant,	§
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware,
STATE OF DELAWARE,	§ in and for Kent County
	§ Cr. ID 9801013999
Plaintiff Below-	§
Appellee.	§

Submitted: October 2, 2014¹
Decided: October 9, 2014

Before **STRINE**, Chief Justice, **HOLLAND**, and **VALIHURA**, Justices

ORDER

This 9th day of October 2014, the Court has carefully considered the appellant’s opening brief, the State’s motion to affirm, the appellant’s reply, and the record on appeal. We find it manifest that the Superior Court’s order dated March 20, 2014, which denied the appellant’s third motion for postconviction relief under Rule 61, should be affirmed. The motion was untimely and repetitive, and the appellant failed to assert a colorable claim of a miscarriage of justice under Rule 61(i)(5) sufficient to overcome these procedural bars.

¹ On October 2, 2014, the appellant filed a motion requesting to file a response to the State’s motion to affirm and attaching his proposed response. We have considered the reply to the State’s motion and have determined that it does not alter the outcome of this appeal.

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

BY THE COURT:

/s/ Karen L. Valihura
Justice