IN THE SUPREME COURT OF THE STATE OF DELAWARE

BEN ROTEN,

Defendant BelowAppellant,

V.

S Court Below—Superior Court
of the State of Delaware,
STATE OF DELAWARE,

Plaintiff BelowAppellee.

S No. 475, 2013
S court Below—Superior Court
of the State of Delaware,
S in and for Sussex County
S Cr. ID 0401005180
S Appellee.

Submitted: September 27, 2013 Decided: October 28, 2013

Before **STEELE**, Chief Justice, **HOLLAND**, and **RIDGELY**, Justices.

ORDER

This 28th day of October 2013, after careful consideration of the opening brief, the State's motion to affirm, and the 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 September 3, 2013. The Superior Court did not err in concluding that appellant's third motion for postconviction relief was procedurally barred and that appellant had failed to overcome the procedural hurdles.

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

BY THE COURT:

/s/ Myron T. Steele Chief Justice