

IN THE SUPREME COURT OF THE STATE OF DELAWARE

LEROY K. SMITH,

Defendant Below-
Appellant,

v.

STATE OF DELAWARE,

Plaintiff Below-
Appellee.

§

§ No. 494, 2013

§

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§

§ Court Below—Superior Court

§ of the State of Delaware,

§ in and for New Castle County

§ Cr. ID Nos. 80000011DI and

§ 80000542DI

§

Submitted: February 20, 2014

Decided: February 26, 2014

Before **HOLLAND, BERGER, and RIDGELY**, Justices

ORDER

This 26th day of February 2014, after careful consideration of the opening brief, the 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 August 22, 2013. The Superior Court did not err in concluding that appellant's third motion for postconviction relief was procedurally barred, and 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/ Randy J. Holland

Justice