

IN THE SUPREME COURT OF THE STATE OF DELAWARE

JAMES W. RILEY,	§
	§ No. 418, 2011
Defendant Below,	§
Appellant,	§
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware, in and
STATE OF DELAWARE,	§ for Kent County
	§ Cr. ID 0004014504
Plaintiff Below,	§
Appellee.	§

Submitted: November 18, 2011

Decided: January 26, 2012

Before **BERGER, JACOBS**, and **RIDGELY**, Justices.

**ORDER**

This 26<sup>th</sup> day of January 2012, after careful consideration of the parties' briefs and the record on appeal, we find it manifest that the judgment below should be affirmed on the basis of the Superior Court's order adopting the Commissioner's well-reasoned recommendation dated November 23, 2010. The Superior Court did not err in concluding that appellant's motion for postconviction relief was both untimely and procedurally barred under Superior Court Criminal Rule 61(i)(3) and that appellant had failed to establish a colorable claim of a miscarriage of justice sufficient to overcome the procedural hurdles.

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

BY THE COURT:

/s/ Jack B. Jacobs  
Justice