

IN THE SUPREME COURT OF THE STATE OF DELAWARE

MYRON GIBBS,	§
	§
Defendant Below,	§ No. 143, 2017
Appellant,	§
	§ Court Below—Superior Court
v.	§ of the State of Delaware
	§
STATE OF DELAWARE,	§ Cr. ID No. 0911008893 (N)
	§
Plaintiff Below,	§
Appellee.	§

Submitted: July 6, 2017
Decided: August 7, 2017

Before **VAUGHN, SEITZ, and TRAYNOR**, Justices.

ORDER

This 7th day of August 2017, after careful consideration of the appellant's opening brief, the appellee's motion to affirm, and the record below, we find it manifest that the judgment below should be affirmed on the basis of the Superior Court's order, dated February 28, 2017, adopting the report and recommendations of the Commissioner. The Superior Court did not err in concluding that the appellant's second motion for postconviction relief was procedurally barred by Superior Court Criminal Rule 61 and that the appellant had failed to overcome the procedural hurdles.

NOW, THEREFORE, IT IS ORDERED that the motion to affirm is GRANTED and the judgment of the Superior Court is AFFIRMED.

BY THE COURT:

/s/ Collins J. Seitz, Jr.
Justice