

IN THE SUPREME COURT OF THE STATE OF DELAWARE

DAVEAR Z. WHITTLE,	§
	§
Defendant Below,	§ No. 306, 2017
Appellant,	§
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware
STATE OF DELAWARE,	§
	§ Cr. ID No. 1111010324 (N)
Plaintiff Below,	§
Appellee.	§

Submitted: September 19, 2017

Decided: November 7, 2017

Before **STRINE**, Chief Justice; **VALIHURA** and **TRAYNOR**, Justices.

**ORDER**

This 7th day of November 2017, after careful consideration of the opening brief and the State's motion to affirm, it is clear that the judgment below should be affirmed on the basis of and for the reasons assigned by the Superior Court in its well-reasoned decision dated July 6, 2017. The Superior Court did not err in concluding that Whittle's second motion for postconviction relief was procedurally barred and did not satisfy the pleading requirements of Superior Court Criminal Rule 61(d)(2).

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

BY THE COURT:

/s/ Leo E. Strine, Jr.

Chief Justice