

IN THE SUPREME COURT OF THE STATE OF DELAWARE

KEVIN A. ROY,	§
	§
Defendant Below,	§ No. 163, 2017
Appellant,	§
	§ Court Below—Superior Court
v.	§ of the State of Delaware,
	§
STATE OF DELAWARE,	§ Cr. ID No. 0503015173 (N)
	§
Plaintiff Below,	§
Appellee.	§

Submitted: January 11, 2018

Decided: February 6, 2018

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

ORDER

This 6th day of February 2018, after careful consideration of the opening brief, the State’s motion to affirm, and the record on appeal, the Court concludes that the judgment below should be affirmed on the basis of the Superior Court’s well-reasoned order dated March 13, 2017.¹ The Superior Court did not err in summarily dismissing the appellant’s third motion for postconviction relief. As the Superior Court concluded, the motion was procedurally barred and failed to satisfy the pleading requirements of Superior Court Criminal Rule 61(d)(2).

¹ *State v. Roy*, 2017 WL 1040715 (Del. Super. Ct. Mar 13, 2017).

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

BY THE COURT:

/s/ Gary F. Traynor _____
Justice