

IN THE SUPREME COURT OF THE STATE OF DELAWARE

MATTHEW M. PHLIPOT,	§
	§
Defendant Below,	§ No. 187, 2018
Appellant,	§
	§ Court Below—Superior Court
v.	§ of the State of Delaware
	§
STATE OF DELAWARE,	§ ID. No. 0903021873 (S)
	§
Plaintiff Below,	§
Appellee.	§

Submitted: April 26, 2018

Decided: June 14, 2018

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

**ORDER**

This 14<sup>th</sup> day of June 2018, after careful consideration of the appellant’s opening brief, the appellee’s motion to affirm, and the record below, we conclude that the judgment below should be affirmed on the basis of the Superior Court’s March 29, 2018 order denying the appellant’s third motion for postconviction relief.<sup>1</sup> The Superior Court did not err in concluding that the motion was procedurally barred by Superior Court Criminal Rule 61 and that the appellant had failed to overcome the procedural hurdles.

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<sup>1</sup> *State v. Philipot*, 2018 WL 1581195 (Del. Mar. 29, 2018).

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

BY THE COURT:

/s/ James T. Vaughn, Jr.  
Justice