

IN THE SUPREME COURT OF THE STATE OF DELAWARE

JEFFREY W. THOMAS,

Defendant Below,
Appellant,

v.

STATE OF DELAWARE,

Plaintiff Below,
Appellee.

§
§
§ No. 110, 2021
§
§ Court Below—Superior Court
§ of the State of Delaware
§
§ Cr. ID No. 1403008516 (K)
§
§
§

Submitted: June 17, 2021

Decided: July 12, 2021

Before **SEITZ**, Chief Justice; **VALIHURA** and **MONTGOMERY-REEVES**,
Justices.

ORDER

After careful consideration of the appellant’s opening brief, the State’s motion to affirm, and the record on appeal, we conclude that the judgment below should be affirmed on the basis of the Superior Court’s order, dated March 26, 2021, denying the appellant’s third motion for postconviction relief as procedurally barred. The appellant has not pleaded any circumstances under Rule 61(d)(2)(i) or (d)(2)(ii) that overcome the procedural bars set forth in Rule 61,¹ nor does he claim that the Superior Court lacked jurisdiction.²

¹ DEL. SUPER. CT. CRIM. R. 61(i).

² *Id.* R. 61(i)(5).

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.
Chief Justice