

BYRON WHITE,	§
	§
Defendant Below,	§ No. 306, 2021
Appellant,	§
	§ Court Below—Superior Court
v.	§ of the State of Delaware
	§
STATE OF DELAWARE,	§ Cr. ID No. 1802004471 (K)
	§
Plaintiff Below,	§
Appellee.	§

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 August 27, 2021, denying the appellant's first motion for postconviction relief as untimely. The appellant's conviction became final on October 24, 2018; he filed a motion for postconviction relief in the Superior Court nearly three years later, on August 9, 2021. The appellant has not pleaded any circumstances under Superior Court Criminal Rule 61(d)(2)(i)

or (d)(2)(ii) that overcome the procedural bar set forth in Rule 61(i)(1), nor does he claim that the Superior Court lacked jurisdiction.¹

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

¹ DEL. SUPER. CT. CRIM. R. 61(i)(5).