

IN THE SUPREME COURT OF THE STATE OF DELAWARE

ANDRE DUBOSE,	§
	§ No. 190, 2022
Defendant Below,	§
Appellant,	§ Court Below—Superior Court
	§ of the State of Delaware
v.	§
	§ Cr. ID No. 1302011427 (N)
STATE OF DELAWARE,	§
	§
Appellee.	§

Submitted: July 13, 2022
Decided: September 13, 2022

Before **SEITZ**, Chief Justice; **VAUGHN** and **TRAYNOR**, 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 May 11, 2022, summarily dismissing the appellant’s second motion for postconviction relief. As the Superior Court determined, 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/ Gary F. Traynor
Justice