

IN THE SUPREME COURT OF THE STATE OF DELAWARE

CHRISTOPHER CLAY,	§
	§ No. 142, 2022
Defendant Below,	§
Appellant,	§ Court Below—Superior Court
	§ of the State of Delaware
v.	§
	§ Cr. ID No. 1408007714A (S)
STATE OF DELAWARE,	§
	§
Appellee.	§

Submitted: July 26, 2022
Decided: September 16, 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 March 25, 2022, summarily dismissing the appellant’s second motion for postconviction relief. The appellant has not pleaded—including in his reply brief before the Superior Court—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