

IN THE SUPREME COURT OF THE STATE OF DELAWARE

GERALD A. WILMER,	§	
	§	No. 166, 2008
Defendant Below,	§	
Appellant,	§	Court Below—Superior Court
	§	of the State of Delaware in and
v.	§	for New Castle County
	§	
STATE OF DELAWARE,	§	
	§	
Plaintiff Below,	§	Cr. ID No. 9603002509
Appellee.	§	

Submitted: May 23, 2008
Decided: August 4, 2008

Before **STEELE**, Chief Justice, **HOLLAND** and **BERGER**, Justices.

ORDER

This 4th day of August 2008, after carefully considering the appellant's opening brief, the appellee's motion to affirm and the record, the Court concludes that the Superior Court's judgment should be affirmed on the basis of, and for the reasons set forth in, the March 5, 2008 decision on appeal. The Superior Court did not err when determining that appellant's fourth motion for postconviction relief was time-barred, that the claims therein were either repetitive or formerly adjudicated, and that appellant failed to overcome those procedural hurdles.

NOW, THEREFORE, IT IS ORDERED that the judgment of the Superior Court is AFFIRMED.

BY THE COURT:

/s/ Randy J. Holland

Justice