

IN THE SUPREME COURT OF THE STATE OF DELAWARE

AMIR FATIR,	§
	§ No. 19, 2008
Defendant Below-	§
Appellant,	§
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware,
STATE OF DELAWARE,	§ in and for New Castle County
	§ Cr. ID 75060892DI
Plaintiff Below-	§
Appellee.	§

Submitted: July 11, 2008  
Decided: October 6, 2008

Before **BERGER, JACOBS, and RIDGELY**, Justices.

**ORDER**

This 6<sup>th</sup> day of October 2008, after careful consideration of the parties' briefs and the record on appeal, we find it manifest that the judgment below should be affirmed on the basis of the Superior Court's well-reasoned decision dated December 11, 2007. The Superior Court did not err in concluding that appellant's motion for postconviction relief was time-barred and that appellant had failed to set forth a colorable claim of a constitutional violation in order to overcome this procedural hurdle. We do not review the merits of the recusal issue that Fatir raised in his untimely motion for reargument as the issue was not fairly presented below.

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

BY THE COURT:

/s/ Jack B. Jacobs  
Justice