

IN THE SUPREME COURT OF THE STATE OF DELAWARE

MARCUS J. JOHNSON,	§
	§
Defendant Below-	§ No. 287, 2008
Appellant,	§
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware,
STATE OF DELAWARE,	§ in and for New Castle County
	§ Cr. ID 0403012959
Plaintiff Below-	§
Appellee.	§

Submitted: August 22, 2008
Decided: November 20, 2008

Before **STEELE**, Chief Justice, **JACOBS**, and **RIDGELY**, Justices.

ORDER

This 20th day of November 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 May 23, 2008. The Superior Court did not err in concluding that appellant's third motion for postconviction relief was repetitive and that appellant had failed to overcome this procedural hurdle.

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

BY THE COURT:

/s/Henry duPont Ridgely
Justice