

IN THE SUPREME COURT OF THE STATE OF DELAWARE

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|--------------------|------------------------------|
| BEN ROTEN, | § |
| | § |
| Defendant Below- | § No. 189, 2013 |
| Appellant, | § |
| | § |
| v. | § Court Below—Superior Court |
| | § of the State of Delaware, |
| STATE OF DELAWARE, | § in and for Sussex County |
| | § Cr. ID 0401005180 |
| Plaintiff Below- | § |
| Appellee. | § |

Submitted: May 3, 2013
Decided: May 31, 2013

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

ORDER

This 31st day of May 2013, after careful consideration of the opening brief, the motion to affirm, and the record below, we find it manifest that the judgment below should be affirmed on the basis of the Superior Court's well-reasoned decision dated March 27, 2013. The Superior Court did not err in concluding that appellant's motion to reopen a 2006 postconviction judgment was, in fact, an untimely motion to reargue or amend the 2006 judgment.

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

BY THE COURT:

/s/ Randy J. Holland
Justice