

IN THE SUPREME COURT OF THE STATE OF DELAWARE

NIKERRAY MIDDLEBROOK,	§
	§
Plaintiff Below-	§ No. 281, 2004
Appellant,	§
	§ Court Below—Superior Court
v.	§ of the State of Delaware,
	§ in and for New Castle County
CAROLINE P. AYRES,	§ C.A. No. 02C-07-203
	§
Defendant Below-	§
Appellee.	§

Submitted: December 3, 2004

Decided: January 14, 2005

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

ORDER

This 14th day of January 2005, upon consideration of the opening brief and the State's motion to affirm, it appears to the Court that:

(1) The plaintiff-appellant, Nikerray Middlebrook, filed this appeal from the Superior Court's dismissal of his complaint. Middlebrook filed his complaint against his former attorney, Caroline Ayres, for legal malpractice, alleging that Ayres had failed to file a timely notice of appeal on his behalf from his criminal sentencing in June 1998. The Superior Court granted Ayres' motion to dismiss Middlebrook's complaint on the alternative grounds that the complaint was barred by the three-year statute of limitations

and that Middlebrook had failed to offer the required expert testimony to support his malpractice claim.

(2) Having carefully considered the parties' respective positions, we find it manifest that the judgment of the Superior Court should be affirmed on the basis of the Superior Court's well-reasoned decision dated June 9, 2004. The Superior Court did not err in concluding that Middlebrook's malpractice claim was barred by the applicable statute of limitations and that Middlebrook had failed to substantiate his claim with expert testimony.

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

BY THE COURT:

/s/ Myron T. Steele
Chief Justice