

IN THE SUPREME COURT OF THE STATE OF DELAWARE

DERRIS GIBSON,	§
	§
Defendant Below-	§ No. 322, 2004
Appellant,	§
	§ Court Below—Superior Court
v.	§ of the State of Delaware,
	§ in and for New Castle County
STATE OF DELAWARE,	§ Cr. ID 93004839DI
	§
Plaintiff Below-	§
Appellee.	§

Submitted: December 3, 2004

Decided: January 19, 2005

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

**ORDER**

This 19<sup>th</sup> day of January 2005, after careful consideration of the parties' briefs and the record below, 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 29, 2004. The Superior Court did not err in concluding that Gibson's motion for postconviction relief was time-barred and that Gibson 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/ Myron T. Steele  
Chief Justice