

IN THE SUPREME COURT OF THE STATE OF DELAWARE

TIMOTHY HEMBREE,	§
	§
Defendant Below-	§ No. 548, 2004
Appellant,	§
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware,
STATE OF DELAWARE,	§ in and for Sussex County
	§ Cr. ID. 9509002602
Plaintiff Below-	§
Appellee.	§

Submitted: January 13, 2005
Decided: February 22, 2005

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

ORDER

This 22nd day of February 2005, after careful consideration of the appellant's opening brief and the State's motion to affirm, 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 December 7, 2004. The Superior Court did not err in concluding that Hembree's motion for postconviction relief was procedurally barred by Superior Court Criminal Rules 61(i)(1), (i)(2), and (i)(3) and that Hembree had failed to overcome these procedural hurdles.

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

BY THE COURT:

/s/ Randy J. Holland
Justice