

IN THE SUPREME COURT OF THE STATE OF DELAWARE

LEE A. ISRAEL,	§
	§
Defendant Below-	§ No. 476, 2004
Appellant,	§
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware,
STATE OF DELAWARE,	§ in and for New Castle County
	§ Cr. ID. 85002615DI
Plaintiff Below-	§
Appellee.	§

Submitted: January 18, 2005
Decided: February 25, 2005

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

ORDER

This 25th 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 September 24, 2004. The Superior Court did not err in concluding that Israel's second motion for postconviction relief was time-barred and that Israel 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/ Randy J. Holland
Justice