

IN THE SUPREME COURT OF THE STATE OF DELAWARE

DAVID W. RHOADES,	§
	§
Defendant Below-	§ No. 71, 2005
Appellant,	§
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware,
STATE OF DELAWARE,	§ in and for County
	§ Cr. ID. 0110007432
Plaintiff Below-	§
Appellee.	§

Submitted: April 8, 2005

Decided: May 5, 2005

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

ORDER

This 5th day of May 2005, the Court has carefully considered the appellant's opening brief, the State's motion to affirm 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 January 31, 2005. The Superior Court did not err in concluding that David Rhoades' second motion for postconviction relief was procedurally barred by Superior Court Criminal Rule 61(i)(2) and that Rhoades 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/ Henry duPont Ridgely
Justice