

IN THE SUPREME COURT OF THE STATE OF DELAWARE

MICHAEL A. BENSON,	§
	§
Defendant Below-	§ No. 401, 2005
Appellant,	§
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware,
STATE OF DELAWARE,	§ in and for Kent County
	§ Cr. ID 9708021684
Plaintiff Below-	§
Appellee.	§
	§

Submitted: October 18, 2005
Decided: December 13, 2005

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

ORDER

This 13th day of December 2005, after careful consideration of Michael Benson’s opening brief and the State’s motion to affirm, we find it manifest that the judgment below should be affirmed on the basis of the Superior Court’s well-reasoned decision dated August 24, 2005. The Superior Court did not err in concluding that Benson’s second motion for postconviction relief was procedurally barred and that Benson had failed to overcome the procedural hurdles.

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

BY THE COURT:

/s/ Myron T. Steele
Chief Justice