## IN THE SUPREME COURT OF THE STATE OF DELAWARE

ROBERT D. BROWN, §

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Defendant Below- § No. 540, 2008

Appellant,

§

v. § Court Below—Superior Court

§ of the State of Delaware,

STATE OF DELAWARE, § in and for New Castle County

§ Cr. ID 0605017922

Plaintiff Below- § Appellee. §

Submitted: January 30, 2009 Decided: April 7, 2009

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

## ORDER

This 7<sup>th</sup> day of April 2009, after careful consideration of the parties' briefs, we find it manifest that the judgment below should be affirmed on the basis of the Superior Court's well-reasoned decision dated October 16, 2008. The Superior Court did not err in concluding that appellant's second motion for postconviction relief was procedurally defaulted. His motion was both time-barred and repetitive, and appellant failed to overcome these procedural hurdles.

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

BY THE COURT:

/s/ Henry duPont Ridgely
Justice