

IN THE SUPREME COURT OF THE STATE OF DELAWARE

KUSHAL SHAH, f/k/a GERRON	§
LINDSEY,	§
	§ No. 38, 2010
Defendant Below-	§
Appellant,	§
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware,
STATE OF DELAWARE,	§ in and for New Castle County
	§ Cr. ID 0002019767
Plaintiff Below-	§
Appellee.	§

Submitted: February 17, 2010

Decided: April 14, 2010

Before **HOLLAND, BERGER, and JACOBS**, Justices.

**ORDER**

This 14<sup>th</sup> day of April 2010, after careful consideration of appellant’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 January 14, 2010. The Superior Court did not err in concluding that appellant’s fifth motion for postconviction relief was procedurally barred and that appellant 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/ Carolyn Berger  
Justice