

IN THE SUPREME COURT OF THE STATE OF DELAWARE

KENNETH JOHNSON,

Defendant Below-
Appellant,

v.

STATE OF DELAWARE,

Plaintiff Below-
Appellee.

§

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§ No. 200, 2010

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§ Court Below—Superior Court

§ of the State of Delaware,

§ in and for New Castle County

§ Cr. ID 9904015635

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Submitted: June 28, 2010

Decided: August 3, 2010

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

ORDER

This third day of August 2010, after careful consideration of appellant's opening brief and the State's motion to affirm, we find it manifest that the judgment below must be affirmed for the reasons stated in its decision dated March 24, 2010. The Superior Court did not err in denying appellant's second motion for postconviction relief because the motion was time-barred, repetitive, and formerly adjudicated, 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/ Randy J. Holland

Justice