

IN THE SUPREME COURT OF THE STATE OF DELAWARE

DONALD J. BOYER,	§	
	§	No. 702, 2013
Defendant Below,	§	
Appellant,	§	Court Below—Superior Court
	§	of the State of Delaware in and
v.	§	for New Castle County
	§	
STATE OF DELAWARE,	§	
	§	
Plaintiff Below,	§	Cr. ID No. 86010533DI
Appellee.	§	

Submitted: February 27, 2014  
Decided: April 15, 2014

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

**ORDER**

This 15<sup>th</sup> day of April 2014, after careful consideration of the appellant’s opening brief, the appellee’s motion to affirm, and the record on appeal, we find it manifest that the judgment on appeal should be affirmed on the basis of and for the reasons assigned by the Superior Court in its memorandum opinion of December 11, 2013. The Superior Court did not err in concluding that the appellant was not entitled to the appointment of counsel, and that appellant’s fourth motion for postconviction relief was procedurally barred without exception.

NOW, THEREFORE, IT IS ORDERED that the appellee's motion to affirm is GRANTED. The judgment of the Superior Court is AFFIRMED.

BY THE COURT:

/s/ Randy J. Holland  
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Justice