

IN THE SUPREME COURT OF THE STATE OF DELAWARE

JOSHUA DURNEY,	§
	§ No. 144, 2017
Defendant Below-	§
Appellant,	§
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware
STATE OF DELAWARE,	§
	§ Cr. ID 1208013413 (K)
Plaintiff Below-	§
Appellee.	§

Submitted: July 13, 2017  
Decided: August 3, 2017

Before **VAUGHN, SEITZ**, and **TRAYNOR**, Justices.

**ORDER**

This 3<sup>rd</sup> day of August 2017, after careful consideration of the opening brief, the State’s motion to affirm, and the record, it is clear that the judgment below should be affirmed on the basis of, and for the reasons stated in, the Superior Court’s well-reasoned decision dated March 8, 2017. The Superior Court did not err in concluding that the appellant’s second motion for postconviction relief was subject to summary dismissal under Superior Court Criminal Rule 61(d)(2).

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

BY THE COURT:

/s/ Collins J. Seitz, Jr.  
Justice