

IN THE SUPREME COURT OF THE STATE OF DELAWARE

AMIR ELMORE,	§
	§
Defendant Below,	§ No. 227, 2018
Appellant,	§
	§ Court Below—Superior Court
v.	§ of the State of Delaware
	§
STATE OF DELAWARE,	§ Cr. ID No. 1404013039B (K)
	§
Plaintiff Below,	§
Appellee.	§

Submitted: May 30, 2018

Decided: July 17, 2018

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

ORDER

This 17th day of July 2018, after careful consideration of the appellant’s opening brief, the appellee’s motion to affirm, and the record below, we conclude that the Superior Court order, dated April 20, 2018, summarily dismissing the appellant’s first motion for postconviction relief under Superior Court Criminal Rule 61 should be affirmed. Even if the appellant filed his motion in January 2017 as he claims, this was more than a year after his conviction became final in June 2015.¹

¹ Super. Ct. Crim. R. 61(m)(2) (providing that if a defendant files a direct appeal, the conviction becomes final when the Supreme Court issues a mandate or order finally determining the case on direct review). This Court affirmed the appellant’s convictions on June 9, 2015 and issued the mandate on June 25, 2015. *Elmore v. State*, No. 597, 2014.

The motion was therefore untimely under Rule 61(i)(1) and did not satisfy the pleading requirements of Rule 61(i)(5) or 61(d)(2).

NOW, THEREFORE, IT IS ORDERED that motion to affirm is GRANTED and the judgment of the Superior Court is AFFIRMED.

BY THE COURT:

/s/ Collins J. Seitz, Jr.
Justice