

IN THE SUPREME COURT OF THE STATE OF DELAWARE

RICHARD ROTH, JR.,	§
	§
Defendant Below-	§ No. 502, 2017
Appellant,	§
	§
v.	§
	§ Court Below—Superior Court
STATE OF DELAWARE,	§ of the State of Delaware
	§
Plaintiff Below-	§
Appellee.	§ Cr. ID 9901000330 (N)
	§
	§

Submitted: March 1, 2018
Decided: April 26, 2018

Before **STRINE**, Chief Justice; **VALIHURA** and **VAUGHN**, Justices.

ORDER

After careful consideration of the appellant’s opening brief, the State’s motion to affirm, and the record on appeal, the Court concludes that the judgment below should be affirmed on the basis of the Superior Court’s well-reasoned decision dated October 27, 2017. The Superior Court did not err in concluding that Roth’s third motion for postconviction relief was procedurally barred and that Roth had failed to overcome the procedural hurdles by pleading with particularity either that: (i) new evidence exists creating a strong inference that he is actually innocent; or (ii) a new, retroactively applicable rule of constitutional law renders his conviction invalid.

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

BY THE COURT:

/s/ Karen L. Valihura
Justice