

IN THE SUPREME COURT OF THE STATE OF DELAWARE

ORIN TURNER,	§
	§
Defendant Below,	§ No. 428, 2019
Appellant,	§
	§ Court Below—Superior Court
v.	§ of the State of Delaware
	§
STATE OF DELAWARE,	§ Cr. ID No. 0609012387A(K)
	§
Plaintiff Below,	§
Appellee.	§

Submitted: May 19, 2020

Decided: June 18, 2020

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

ORDER

After careful consideration of the appellant’s opening brief, the State’s motion to affirm, and the record on appeal, we conclude that the judgment below should be affirmed on the basis of the Superior Court’s order, dated August 9, 2019, denying the appellant’s second motion for postconviction relief as procedurally barred, and the Superior Court’s order, dated October 2, 2019, denying the appellant’s motion for reconsideration of the August 9, 2019 order. As the Superior Court observed, the appellant has not pleaded any circumstances under Rule 61(d)(2)(i) or (d)(2)(ii)

that overcome the procedural bars set forth in Rule 61,¹ nor does he claim that the Superior Court lacked jurisdiction.²

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

BY THE COURT:

/s/ James T. Vaughn, Jr.
Justice

¹ DEL. SUPER. CT. CRIM. R. 61(i).

² *Id.* R. 61(i)(5).