

IN THE SUPREME COURT OF THE STATE OF DELAWARE

KEVIN S. EPPERSON,	§
	§
Defendant Below-	§ No. 251, 2003
Appellant,	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware,
	§ in and for New Castle County
STATE OF DELAWARE,	§ Cr.A. Nos. IN94-08-1484 and
	§ -1485
Plaintiff Below-	§ Cr. ID. 9408009291
Appellee.	§

Submitted: June 10, 2003

Decided: June 18, 2003

Before **VEASEY**, Chief Justice, **HOLLAND**, and **BERGER**, Justices.

ORDER

This 18th day of June 2003, after careful consideration of the appellant's opening brief, the State's motion to affirm, and the record below, we find it manifest on the face of the opening brief that the judgment of the Superior Court should be affirmed on the basis of the Superior Court's well-reasoned order dated May 7, 2003. Epperson's latest postconviction petition, his fourth since he was convicted in 1996, was clearly barred by the procedural requirements of Superior Court Criminal Rule 61(i)(1) and Rule 61(i)(4). The claim raised in the petition was both untimely and previously adjudicated, and Epperson failed to establish that reconsideration of the claim was warranted in the interest of justice.

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

BY THE COURT:

/s/ Randy J. Holland
Justice