

IN THE SUPREME COURT OF THE STATE OF DELAWARE

BRANDON AYERS,	§
	§
Defendant Below-	§ No. 13, 2004
Appellant,	§
	§ Court Below—Superior Court
v.	§ of the State of Delaware,
	§ in and for New Castle County
STATE OF DELAWARE,	§ Cr.A. No. IN00-05-0167 thru
	§ -0170
Plaintiff Below-	§ Cr. ID. 0004013377
Appellee.	§

Submitted: March 30, 2004

Decided: May 4, 2004

Before **HOLLAND**, **BERGER**, and **JACOBS**, Justices.

**ORDER**

This fourth day of May 2004, after careful consideration of the appellant's opening brief and the State's motion to affirm, we find it manifest that the judgment of the Superior Court should be affirmed on the basis of the Superior Court's well-reasoned decision dated December 17, 2003. The Superior Court did not err in concluding that the claims raised in Ayers' second motion for postconviction relief were either repetitive or previously adjudicated under Superior Court Criminal Rules 61(i)(2) and (i)(4) and that Ayers' had failed to overcome these procedural hurdles.

NOW, THEREFORE, IT IS ORDERED that the State's motion to affirm is GRANTED. The judgment of the Superior Court is AFFIRMED.

BY THE COURT:

/s/ Randy J. Holland  
Justice