

IN THE SUPREME COURT OF THE STATE OF DELAWARE

NAGI ALOMARI,	§
	§ No. 456, 2011
Defendant Below-	§
Appellant,	§
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware,
STATE OF DELAWARE,	§ in and for New Castle County
	§ Cr. ID 88006120DI
Plaintiff Below-	§
Appellee.	§

Submitted: December 13, 2011

Decided: December 28, 2011

Before **STEELE**, Chief Justice, **JACOBS**, and **RIDGELY**, Justices.

ORDER

This 28th day of December 2011, upon consideration of the opening brief, the State's motion to affirm, and the record on appeal, it appears to the Court that:

(1) The appellant, Nagi Alomari, filed this appeal from the Superior Court's denial of his second motion for postconviction relief. The State has filed a motion to affirm the judgment below on the ground that it is manifest on the face of Alomari's opening brief that his appeal is without merit. We agree and affirm.

(2) The record reflects that a Superior Court jury found Alomari guilty of two counts of attempted murder and related charges. The Superior Court sentenced Alomari to two life terms of imprisonment plus three years. This Court

affirmed Alomari's convictions and sentences on direct appeal.¹ In May 1991, Alomari filed his first motion for postconviction relief, which the Superior Court denied. Alomari did not appeal. In October 2010, Alomari filed his second motion for postconviction relief, which the Superior Court again denied. This appeal followed.

(3) When reviewing the Superior Court's denial of postconviction relief, this Court must consider the procedural requirements of Rule 61(i) before we may consider the merits of any postconviction claim.² In this case, Alomari's claims were both untimely under Rule 61(i)(1) and repetitive under Rule 61(i)(2). Alomari failed to overcome these procedural hurdles. Accordingly, the judgment below shall be affirmed.

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

BY THE COURT:

/s/ Henry duPont Ridgely
Justice

¹ *Alomari v. State*, 1991 WL 22374 (Del. Feb. 14, 1991).

² *Stone v. State*, 690 A.2d 924, 925 (Del. 1996).