

IN THE SUPREME COURT OF THE STATE OF DELAWARE

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|---------------------|--------------------------------|
| GREGORY A. BORDLEY, | § |
| | § |
| Defendant Below- | § No. 482, 2003 |
| Appellant, | § |
| | § |
| v. | § Court Below—Superior Court |
| | § of the State of Delaware, |
| STATE OF DELAWARE, | § in and for New Castle County |
| | § Cr. ID 9801004118 |
| Plaintiff Below- | § |
| Appellee. | § |

Submitted: May 10, 2004
Decided: June 30, 2004

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

ORDER

This 30th day of June 2004, upon consideration of the opening brief, the State's motion to affirm, and the record below, it appears to the Court that:

(1) The appellant Gregory Bordley filed this appeal from the Superior Court's denial of his motion for reconsideration of its order denying postconviction relief. The State has filed a motion to affirm on the ground that it is manifest on the face of Bordley's opening brief that the appeal is without merit. We agree. Accordingly, we affirm the Superior Court's judgment.

(2) A Superior Court jury convicted Bordley in 1999 of first degree burglary, third degree assault, and criminal mischief. The Superior Court sentenced Bordley as an habitual offender to life imprisonment. This Court

affirmed Bordley's convictions and sentences on direct appeal.¹ Thereafter, Bordley filed a motion seeking postconviction relief, which the Superior Court denied on September 30, 2002. Bordley filed a motion for reconsideration. Before the Superior Court could rule on his motion, Bordley filed a notice of appeal in this Court from the September 30, 2002 order. Because the pending appeal divested the Superior Court of jurisdiction to act on the motion for reconsideration, the Superior Court informed Bordley that it would defer any further action in the case while the appeal was pending. On April 1, 2003, this Court affirmed the Superior Court's order denying postconviction relief.² On August 29, 2003, the Superior Court denied the motion for reconsideration. This appeal followed.

(3) Having carefully considered the parties' respective positions, 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 August 29, 2003. The Superior Court found that Bordley's claims were either raised or could have been raised in his appeal to this Court. The Superior Court did not err in holding that this Court's decision on appeal constituted the law of the case and that reconsideration of Bordley's claims was not warranted in the interest of justice.³

¹ *Bordley v. State*, 2000 WL 1626987 (Del. Oct. 25, 2000).

² *Bordley v. State*, 2003 WL 1824841 (Del. Apr. 1, 2003).

³ *See Weedon v. State*, 750 A.2d 521, 527-28 (Del. 2000).

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

BY THE COURT:

/s/ Myron T. Steele
Chief Justice