

IN THE SUPREME COURT OF THE STATE OF DELAWARE

BEN ROTEN,	§
	§
Defendant Below-	§ No. 475, 2013
Appellant,	§
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware,
STATE OF DELAWARE,	§ in and for Sussex County
	§ Cr. ID 0401005180
Plaintiff Below-	§
Appellee.	§

Submitted: September 27, 2013

Decided: October 28, 2013

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

**ORDER**

This 28<sup>th</sup> day of October 2013, after careful consideration of the opening brief, the State’s motion to affirm, and the record on appeal, we find it manifest that the judgment below should be affirmed on the basis of the Superior Court’s well-reasoned decision dated September 3, 2013. The Superior Court did not err in concluding that appellant’s third motion for postconviction relief was procedurally barred and that appellant had failed to overcome the procedural hurdles.

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

BY THE COURT:

/s/ Myron T. Steele  
Chief Justice