

IN THE SUPREME COURT OF THE STATE OF DELAWARE

RICHARD D. MCCANE,	§
	§
Defendant Below-	§ No. 71, 2003
Appellant,	§
	§ Court Below—Superior Court
v.	§ of the State of Delaware,
	§ in and for Sussex County
STATE OF DELAWARE,	§ Cr. ID 9711007448
	§
Plaintiff Below-	§
Appellee.	§

Submitted: April 25, 2003
Decided: May 30, 2003

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

ORDER

This 30th day of May 2003, the Court has considered the appellant’s opening brief and the State’s motion to affirm, and 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 January 13, 2003. The Superior Court did not err when it concluded that McCane’s second petition for postconviction relief was procedurally barred by Superior Court Criminal Rule 61(i)(1) and Rule 61(i)(4). McCane’s petition was both time-barred and the claims were previously adjudicated. McCane failed to overcome these procedural hurdles.

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

BY THE COURT:

/s/ Myron T. Steele
Justice