

IN THE SUPREME COURT OF THE STATE OF DELAWARE

FREDERICK W. SMITH,	§
	§
Defendant Below-	§ No. 367, 2005
Appellant,	§
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware,
STATE OF DELAWARE,	§ in and for New Castle County
	§ Cr. ID 93007368DI
Plaintiff Below-	§
Appellee.	§

Submitted: August 25, 2005  
Decided: October 18, 2005

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

**ORDER**

This 18<sup>th</sup> day of October 2005, 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 July 25, 2005. The Superior Court did not err in concluding that Smith's seventh motion for postconviction relief was time-barred and that Smith had failed to overcome this procedural hurdle.

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

BY THE COURT:

/s/ Jack B. Jacobs  
Justice