

IN THE SUPREME COURT OF THE STATE OF DELAWARE

ROBERT W. JOHNSON, JR.,	§
	§
Defendant Below-	§ No. 275, 2002
Appellant,	§
	§ Court Below—Superior Court
v.	§ of the State of Delaware,
	§ in and for Sussex County
STATE OF DELAWARE,	§ Cr.A. Nos. S90-11-0329, -0331
	§ and -0332
Plaintiff Below-	§ Cr. ID No. 90S04507DI
Appellee.	§

Submitted: July 8, 2002
Decided: September 20, 2002

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

ORDER

This 20th day of September 2002, the Court has considered the appellant's opening brief and the State's motion to affirm. We find it manifest that the judgment below should be affirmed on the basis of the Superior Court's well-reasoned decision dated May 2, 2002. The Superior Court did not err in concluding Johnson's motion was time-barred under Superior Court Criminal Rule 61(i)(1), and Johnson had failed to establish this procedural bar was inapplicable.

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

BY THE COURT:

/s/ E. Norman Veasey
Chief Justice