

IN THE SUPREME COURT OF THE STATE OF DELAWARE

GERALD A. WILMER,	§
	§
Defendant Below-	§ No. 411, 2006
Appellant,	§
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware,
STATE OF DELAWARE,	§ in and for New Castle County
	§ Cr. ID. 9603002509
Plaintiff Below-	§
Appellee.	§

Submitted: September 18, 2006

Decided: September 26, 2006

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

ORDER

This 26th day of September 2006, after careful consideration of 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 July 11, 2006. It is clear that appellant's claims were previously litigated and thus barred by Superior Court Criminal Rule 61(i)(4). The Superior Court did not err in concluding that appellant 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/ Randy J. Holland
Justice