

IN THE SUPREME COURT OF THE STATE OF DELAWARE

LUIS MORALES,	§
	§
Defendant Below-	§ No. 579, 2001
Appellant,	§
	§ Court Below—Superior Court
v.	§ of the State of Delaware,
	§ in and for New Castle County
STATE OF DELAWARE,	§ Cr. ID No. 9507008172
	§
Plaintiff Below-	§
Appellee.	§

Submitted: January 4, 2002
Decided: February 22, 2002

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

ORDER

This 22nd day of February 2002, upon consideration of the appellant's opening brief, the State's motion to affirm, and the record below, it appears to the Court that:

(1) The defendant-appellant, Luis Morales, was convicted in January 1996 of several drug offenses. This Court affirmed Morales' convictions on direct appeal but vacated his sentence and remanded for resentencing.¹ The Court's mandate following appeal was issued on July 18, 1997. Morales filed a petition for postconviction relief in the Superior Court on October 10, 2000. The Superior Court denied Morales' petition on the ground that it was not filed within the three-

year limitations period.² Alternatively, the Superior Court denied Morales' petition on its merits. This appeal ensued.

(2) Having carefully considered this matter, we find it manifest that the judgment of the Superior Court should be affirmed on the basis of and for the reasons set forth in the Superior Court's well-reasoned decision dated October 31, 2001. The Superior Court did not err in concluding that Morales' claims were both procedurally and substantively barred.

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

BY THE COURT:

/s/ Myron T. Steele
Justice

¹ *Morales v. State*, 696 A.2d 390 (Del. 1997).

² *See* DEL. SUPER. CT. CRIM. R. 61(i)(1).