

IN THE SUPREME COURT OF THE STATE OF DELAWARE

THOMAS A. MORGAN,	§
	§
Defendant Below-	§ No. 338, 2004
Appellant,	§
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware,
STATE OF DELAWARE,	§ in and for Sussex County
	§ Cr. ID 00189563
Plaintiff Below-	§
Appellee.	§

Submitted: October 12, 2004

Decided: January 7, 2005

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

ORDER

This 7th day of January 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 27, 2004. The Superior Court did not err in concluding that Morgan's motion for postconviction relief was time-barred and that Morgan 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