IN THE SUPREME COURT OF THE STATE OF DELAWARE

JESSE J. BRYANT, § No. 607, 2012

Defendant Below, §

Appellant, §

§ Court Below—Superior Court

v. § of the State of Delaware,

§ in and for New Castle County

STATE OF DELAWARE, §

§ Cr. ID 92004686DI

Plaintiff Below, § Appellee. §

Submitted: February 8, 2013 Decided: March 5, 2013

Before BERGER, JACOBS, and RIDGELY, Justices.

ORDER

This 5th day of March 2013, after careful consideration of the appellant's opening brief, the State's motion to affirm, and the record on appeal, we find it manifest that the judgment below should be affirmed on the basis of the Superior Court order, dated October 18, 2012, which adopted the well-reasoned report and recommendation of the Commissioner, dated May 16, 2012. The Superior Court did not err in concluding that the appellant's third and fourth motions for postconviction relief were untimely and that appellant had failed to overcome this procedural hurdle.

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

BY THE COURT:

/s/ Jack B. Jacobs Justice