

IN THE SUPREME COURT OF THE STATE OF DELAWARE

JUSTIN L. BURRELL, )  
 ) No. 223, 2004  
 Defendant Below, )  
 Appellant, ) Court Below: Superior Court  
 v. ) of the State of Delaware in  
 ) and for New Castle County  
 )  
 STATE OF DELAWARE, ) Cr. ID. No. 9805012046  
 )  
 Plaintiff Below, )  
 Appellee. )

Submitted: August 25, 2004

Decided: September 2, 2004

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

***ORDER***

This 2<sup>nd</sup> day of September, 2004, upon consideration of the briefs of the parties, and given our standard of review it appears to the Court that the judgment of the Superior Court should be affirmed on the basis of and for the reasons set forth in its Order dated April 26, 2004.

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

BY THE COURT:

/s/ Myron T. Steele  
Chief Justice