

IN THE SUPREME COURT OF THE STATE OF DELAWARE

BENJAMIN F. WHITEMAN,	§
	§
Defendant Below-	§ No. 353, 2005
Appellant,	§
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware,
STATE OF DELAWARE,	§ in and for New Castle County
	§ Cr. ID 30901716DI
Plaintiff Below-	§
Appellee.	§

Submitted: September 1, 2005
Decided: October 18, 2005

Before **STEELE**, Chief Justice, **JACOBS**, and **RIDGELY**, Justices.

This 18th day of October 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 25, 2005. The Superior Court did not err in concluding that Whiteman's motion challenging the legality of his life sentence as an habitual offender was both repetitive and substantively without merit.

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

BY THE COURT:

/s/Henry duPont Ridgely
Justice