

IN THE SUPREME COURT OF THE STATE OF DELAWARE

DEVON GARNER,	§
	§ No. 202, 2005
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. 9811012529
	§
Plaintiff Below-	§
Appellee.	§

Submitted: September 9, 2005  
Decided: November 22, 2005

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

**ORDER**

This 22<sup>nd</sup> day of November 2005, upon consideration of the briefs on appeal and the record below, 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 decision dated May 3, 2005. We find no error or abuse of discretion on the part of the Superior Court in any respect.

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

BY THE COURT:

/s/ Henry duPont Ridgely  
Justice