

IN THE SUPREME COURT OF THE STATE OF DELAWARE

RICHARD B. FROST,	§
	§
Defendant Below-	§ No. 441, 2005
Appellant,	§
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware,
STATE OF DELAWARE,	§ in and for New Castle County
	§ Cr. ID 0403021979
Plaintiff Below-	§
Appellee.	§

Submitted: September 28, 2005

Decided: November 28, 2005

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

**ORDER**

This 28<sup>th</sup> day of November 2005, after careful consideration of Richard Frost's opening brief, the State's motion to affirm, and the record below, we find it manifest that the judgment of the Superior Court should be affirmed on the basis of the Superior Court's decision dated September 6, 2005. The Superior Court did not err in denying Frost's fifth motion for sentence modification.

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

BY THE COURT:

/s/Henry duPont Ridgely  
Justice