

IN THE SUPREME COURT OF THE STATE OF DELAWARE

THOMAS RICHARD MILLER,	§
	§
Defendant Below-	§ No. 554, 2007
Appellant,	§
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware,
STATE OF DELAWARE,	§ in and for Sussex County
	§ Cr. ID 92S05488DI
Plaintiff Below-	§
Appellee.	§

Submitted: November 26, 2007

Decided: February 6, 2008

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

ORDER

This 6th day of February 2008, after careful consideration of appellant's opening brief and the State's motion to affirm, we find it manifest that the judgment below should be affirmed on the basis of the Superior Court's well-reasoned decision dated September 4, 2007. The Superior Court did not err in concluding that appellant's motion for correction of sentence failed to state a claim for relief. The due process

claims raised in appellant's motion were not the proper subject of a motion for correction of sentence.¹

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

BY THE COURT:

/s/ Myron T. Steele
Chief Justice

¹*Brittingham v. State*, 705 A.2d 577, 578 (Del. 1998) (holding that rule governing correction of sentence does not permit an examination of errors occurring prior to imposition of sentence).