

IN THE SUPREME COURT OF THE STATE OF DELAWARE

BENJAMIN F. WHITEMAN,	§
	§
Defendant Below-	§ No. 49, 2008
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: July 21, 2008
Decided: October 8, 2008

Before **BERGER, JACOBS**, and **RIDGELY**, Justices.

This 8th day of October 2008, after careful consideration of the parties' brief and the record on appeal, 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 January 15, 2008. The Superior Court did not err in concluding that Whiteman's motion challenging the legality of his life sentence as a habitual offender was untimely, repetitive, and substantively without merit.

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

BY THE COURT:

/s/ Jack B. Jacobs
Justice