

IN THE SUPREME COURT OF THE STATE OF DELAWARE

JOSEPH F. BIROWSKI,	§	
	§	No. 252, 2001
Defendant Below,	§	
Appellant,	§	Court Below—Superior Court of
	§	the State of Delaware in and
v.	§	for Kent County in Cr.A. Nos.
	§	IK98-09-0021-R1, 0022-R1.
STATE OF DELAWARE,	§	
	§	
Plaintiff Below,	§	Def. ID No. 9808009468
Appellee.	§	

Submitted: June 22, 2001

Decided: July 27, 2001

Before **WALSH, HOLLAND** and **BERGER**, Justices.

ORDER

This 27th day of July 2001, upon consideration of the appellant's opening brief and the appellee's motion to affirm pursuant to Supreme Court Rule 25(a), 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, the Commissioner's Report and Recommendation dated February 28, 2001, as adopted by the Superior Court in its Order dated May 16, 2001.

NOW, THEREFORE, IT IS ORDERED that the State's motion to affirm is GRANTED. The judgment of the Superior Court is AFFIRMED.

BY THE COURT:

/s/ Randy J. Holland
Justice