

IN THE SUPREME COURT OF THE STATE OF DELAWARE

ARTURO LABOY,	§
	§ No. 473, 2015
Defendant Below-	§
Appellant,	§
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware,
STATE OF DELAWARE,	§ in and for New Castle County
	§ Cr. ID Cr. ID 93003649DI
Plaintiff Below-	§
Appellee.	§

Submitted: October 8, 2015  
Decided: December 4, 2015

Before **HOLLAND, VALIHURA**, and **VAUGHN**, Justices

**ORDER**

This 4<sup>th</sup> day of December 2015, after careful consideration of the appellant's opening brief, the State's motion to affirm, and the record on appeal, we affirm the judgment below on the basis of the Superior Court's well-reasoned decision dated August 4, 2015. The Superior Court did not err in denying the appellant's motion for modification or correction of sentence under both Superior Court Criminal Rule 35(a) and 35(b) because the appellant's sentence is not illegal and his motion was both untimely and repetitive.

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

BY THE COURT:

/s/ Karen L. Valihura  
Justice