

IN THE SUPREME COURT OF THE STATE OF DELAWARE

GLENN E. MACDONALD,	§
	§
Defendant Below,	§
Appellant,	§ No. 339, 2000
	§
v.	§ Court Below: Superior Court
	§ of the State of Delaware in and
STATE OF DELAWARE,	§ for New Castle County
	§ Cr.A. No. IN90-10-1063
Plaintiff Below,	§
Appellee.	§

Submitted: December 11, 2001

Decided: December 13, 2001

Before WALSH, HOLLAND, and STEELE, Justices.

ORDER

This 13th day of December 2001, it appears to the Court that:

(1) In this appeal from the Superior Court, the State commendably concedes that the appeal is controlled by our decision in *MacDonald v. State*, Del. Supr., 778 A.2d 1064 (2001).

(2) Accordingly, the decision of the Superior Court is REVERSED and this matter is REMANDED for further proceedings pursuant to our previous decision.

BY THE COURT:

s/Joseph T. Walsh
Justice