IN THE SUPREME COURT OF THE STATE OF DELAWARE

NATASHA WHALEY,	§
	§
Defendant Below,	§
Appellant,	§ No. 265, 2001
	§
v.	§ Court Below: Superior Court
	§ of the State of Delaware in and
STATE OF DELAWARE,	§ for Sussex County
	§ Cr.A. Nos. S00-12-0116 and
Plaintiff Below,	§ 0117 and Cr. ID No. 000907679
Appellee.	§

Submitted: December 6, 2001
Decided: December 10, 2001

Before WALSH, HOLLAND, and STEELE, Justices.

O R D E R

This 10th day of December 2001, upon consideration of the briefs of the parties it appears that:

(1) The appellant, Natasha Whaley ("Whaley") appeals from her conviction in the Superior Court, following a jury trial, of Assault First Degree, Assault Second Degree, and two counts of Endangering the Welfare of a Child. All charges arose out of injuries sustained by Whaley's two children when they were scalded by hot water. She alleges a single claim of error: that the trial court committed plain error in the admission of expert medical opinion to the effect that the injuries to the children could not have been the result of an accident.

(2) Upon a full review of the record, we conclude that the expert in question, Dr. Kathleen Reeves, was qualified by education and clinical experience to provide an opinion on the causation of the burn injuries she observed during the children's hospitalization. The witness' use of the expression "I am 99-percent sure" the injuries were not accidental was in partial response to a question on cross-examination as to whether she was "100-percent" sure of her opinion. We agree with the trial judge that, in the context of Dr. Reeves' entire questioning, the percentage opinion did not run afoul of the prohibition against stating opinions directed to veracity in terms of absolute percentages. *Cf. Wheat v. State*, Del. Supr., 527 A.2d 269 (1987). In any event, defense counsel raised no objection to the testimony as given and, clearly, whatever possible prejudice was engendered by the testimony did not affect the fairness or integrity of the trial process and thus did not reach the level of plain error. *Wainwright v. State*, Del. Supr., 504 A.2d 1096 (1986), *cert. denied*, *Delaware v. Wainwright*, 479 U.S. 869 (1986).

NOW, THEREFORE, IT IS ORDERED that the judgment of the Superior Court be, and the same hereby is,

AFFIRMED.

BY THE COURT:

s/Joseph T. Walsh
Justice