

IN THE SUPREME COURT OF THE STATE OF DELAWARE

THEODORE BAKER, )  
 ) No. 165, 2001  
 Defendant Below, )  
 Appellant, ) Court Below: Superior Court  
 v. ) of the State of Delaware in and  
 ) for New Castle County  
 )  
 STATE OF DELAWARE, ) C.A. No. PN99-05-1544  
 )  
 Plaintiff Below, )  
 Appellee. )

Submitted: November 27, 2001

Decided: November 27, 2001

Before **VEASEY**, Chief Justice, **BERGER** and **STEELE**, Justices:

***ORDER***

This 27<sup>th</sup> day of November, 2001, the Court, having carefully considered the decision and judgment of the Superior Court dated March 16, 2001, together with the briefs of the parties, has determined as follows:

To the extent that (a) the issues raised on appeal are factual, the record evidence supports the trial judge's factual findings; (b) the errors alleged on appeal are attributed to an abuse of discretion, the record does not support those assertions; (c) the issues raised on appeal are legal, they are controlled by settled Delaware law, which was properly applied.

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

BY THE COURT:

/s/ Myron T. Steele  
Justice