

IN THE SUPREME COURT OF THE STATE OF DELAWARE

GREGORY S. PHILLIPS,	§	
	§	No. 411, 2002
Defendant Below,	§	
Appellant,	§	Court Below–Superior Court
	§	of the State of Delaware in and
v.	§	for Sussex County in Cr. ID
	§	Nos. 9808002280
STATE OF DELAWARE,	§	9612002787
	§	
Plaintiff Below,	§	
Appellee.	§	

Submitted: August 27, 2002

Decided: October 7, 2002

Before **VEASEY**, Chief Justice, **WALSH** and **HOLLAND**, Justices.

**ORDER**

This 7<sup>th</sup> day of October 2002, after careful consideration of the appellant's opening brief, the State's motion to affirm and the record, we find it manifest that the judgment of the Superior Court should be affirmed on the basis of the Superior Court's decision dated July 10, 2002. The Superior Court did not abuse its discretion when it denied the appellant's motion for a reduction of sentence as untimely.\*

---

\* Absent extraordinary circumstances, a motion for reduction of sentence must be filed within ninety days of sentencing. Super. Ct. R. 35(b).

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

BY THE COURT:

s/ Joseph T. Walsh  
Justice