

IN THE SUPREME COURT OF THE STATE OF DELAWARE

KEVIN L. CANNON,	§	
	§	No. 250, 2002
Defendant Below,	§	
Appellant,	§	Court Below–Superior Court
	§	of the State of Delaware, in
v.	§	and for Sussex County in
	§	Cr. ID No. 0008014714
STATE OF DELAWARE,	§	
	§	
Plaintiff Below,	§	
Appellee.	§	

Submitted: July 22, 2002

Decided: October 1, 2002

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

ORDER

This 1st day of October 2002, upon consideration of the State’s motion to affirm, the Court finds it manifest on the face of the appellant’s opening brief that this matter should be affirmed on the basis of the Superior Court’s well-reasoned decision of May 1, 2002, that denied the appellant’s motion for postconviction relief. The Superior Court was entirely correct in holding that the Court of Common Pleas’ dismissal of the Trafficking in Cocaine charge at the preliminary hearing did not

preclude the State from taking the charge to the grand jury.¹ A subsequent indictment on criminal charges cures “any defect or irregularity, jurisdictional or procedural, in the original complaint, warrant, or preliminary hearing.”² Moreover, after he was indicted, the appellant pleaded guilty to Trafficking in Cocaine and a violation of probation. The appellant’s voluntary guilty plea waives any defects or errors allegedly occurring before the indictment.³

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

BY THE COURT:

/s/ E. Norman Veasey
Chief Justice

¹See *Ellegood v. State*, 2001 WL 770264 (Del. Supr.); Super. Ct. Crim. R. 5.1(b).

²*Ellegood*, 2001 WL 770264 (quoting *Evans v. Redman*, 1987 WL 37253 (Del. Supr.)) at ¶ 5.

³*Evans v. State*, 2002 WL 651360 (Del. Supr.); *Coverdale v. State*, 2002 WL 86710 (Del. Supr.); *Vasquez v. State*, 2001 WL 1398441 (Del. Supr.); *Oliver v. State*, 2001 WL 1751246 (Del. Supr.); *Downer v. State*, 543 A.2d 309, 312-13 (Del. 1988).