

IN THE SUPREME COURT OF THE STATE OF DELAWARE

TIMOTHY J. THOMAS,	§	
	§	
Defendant Below-	§	No. 431, 2003
Appellant,	§	
	§	
v.	§	Court Below – Superior Court
	§	of the State of Delaware,
	§	in and for New Castle County
STATE OF DELAWARE,	§	Cr. A. No. 00-02-0213
	§	
Plaintiff Below-	§	
Appellee.	§	

Submitted: November 10, 2003
Decided: January 20, 2004

Before **HOLLAND, BERGER** and **JACOBS**, Justices

ORDER

This 20th day of January 2004, the Court has considered the appellee's motion to affirm pursuant to Supreme Court Rule 25(a) and finds it manifest on the face of the appellant's opening brief that the appeal is without merit for the reasons stated by the Superior Court in its well-reasoned decision dated August 7, 2003.

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

BY THE COURT:

/s/ Randy J. Holland
Justice