

IN THE SUPREME COURT OF THE STATE OF DELAWARE

MAHIR ISMAAEEL,)
) No. 17, 2004
 Defendant Below,)
 Appellant,) Court Below: Superior Court
 v.) of the State of Delaware in
) and for Sussex County
)
 STATE OF DELAWARE,) Cr. ID No. 0304002130
)
 Plaintiff Below,)
 Appellee.)

Submitted: June 22, 2004
Decided: June 25, 2004
Corrected: July 9, 2004

Before, **STEELE**, Chief Justice, **HOLLAND** and **JACOBS**, Justices.

ORDER

This 9th day of July 2004, upon consideration of the briefs of the parties, and their contentions in oral argument, it appears to the Court that the judgment of the Superior Court should be affirmed on the basis of and for the reasons set forth in its well-reasoned decision dated January 13, 2004.

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

BY THE COURT:

/s/ Myron T. Steele
Chief Justice