

IN THE SUPREME COURT OF THE STATE OF DELAWARE

|                    |   |                                  |
|--------------------|---|----------------------------------|
| JOHN G. LENOIR,    | § |                                  |
|                    | § | No. 58, 2002                     |
| Defendant Below,   | § |                                  |
| Appellant,         | § | Court Below: Superior Court of   |
|                    | § | the State of Delaware in and for |
| v.                 | § | New Castle County                |
|                    | § |                                  |
| STATE OF DELAWARE, | § | Cr. A. Nos. IN00-05-1297         |
|                    | § | IN00-05-1769                     |
| Plaintiff Below,   | § | IN00-05-1299                     |
| Appellee.          | § | IN00-05-1300                     |

Submitted: December 12, 2002  
Decided: December 23, 2002

Before **VEASEY**, Chief Justice, **WALSH**, **HOLLAND**, **BERGER** and **STEELE**,  
Justices, constituting the Court en Banc.

ORDER

(1) On October 16, 2002, appellant filed a motion for reargument en Banc, pursuant to Supreme Court Rule 4(f), of this Court's Order dated October 1, 2002.

(2) On October 25, 2002, at the request of the Court the appellee filed an answer to the motion for reargument en Banc.

(3) By Order dated November 4, 2002, the parties were notified that the motion for reargument en Banc was granted in part in that this matter would be scheduled for decision on briefs before the Court en Banc.

(4) After consideration by the Court en Banc, the Court has determined that the panel decision should stand.

NOW, THEREFORE, IT IS ORDERED that the judgment of the Superior Court should be affirmed on the basis of and for the reasons set forth in its decision dated January 9, 2002. The mandate shall issue immediately.

BY THE COURT:

/s/ E. Norman Veasey  
Chief Justice