## IN THE SUPREME COURT OF THE STATE OF DELAWARE

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) No. 554, 2003
)
) Court Below: Superior Court
) of the State of Delaware in
) and for New Castle County
)
) C.A. No. 01C-07-225
)
)
)

Submitted: June 1, 2004 Decided: September 13, 2004

Before STEELE, Chief Justice, HOLLAND, and BERGER, Justices.

## ORDER

This 13<sup>th</sup> day of September 2004, upon consideration of the briefs of the

parties, and given our plain error and abuse of discretion standards of review, 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 Order dated October 22, 2003.

NOW, THEREFORE, IT IS ORDERED that the judgment of the Superior

Court is **AFFIRMED**.

BY THE COURT:

/s/ Myron T. Steele Chief Justice