

IN THE SUPREME COURT OF THE STATE OF DELAWARE

FREDERICK S. DEJOHN,	§
	§
Defendant Below-	§ No. 325, 2004
Appellant,	§
	§ Court Below—Superior Court
v.	§ of the State of Delaware,
	§ in and for New Castle County
STATE OF DELAWARE,	§ Cr. ID 0107018127
	§
Plaintiff Below-	§
Appellee.	§

Submitted: November 24, 2004

Decided: January 19, 2005

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

ORDER

This 19th day of January 2005, upon consideration of appellant's opening brief and the State's motion to affirm, the Court finds it manifest that the judgment below, which denied appellant's untimely motion for modification of sentence, should be affirmed on the basis of the Superior Court's well-reasoned decision dated June 28, 2004.

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

BY THE COURT:

/s/Henry duPont Ridgely

Justice

Oc: Clerk (Orig. +3)
Xc: Hon. Charles H. Toliver, IV
Loren C. Meyers, Esq.
Frederick S. DeJohn, II
Justices (8)
D. Collins
P. Naylor
File