

IN THE SUPREME COURT OF THE STATE OF DELAWARE

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|--------------------|---|-----------------------------|
| STATE OF DELAWARE, | § | |
| | § | No. 601, 2001 |
| Plaintiff Below, | § | |
| Appellant, | § | |
| | § | |
| v. | § | Court Below: Superior Court |
| | § | of the State of Delaware |
| KEVIN D. SLACK, | § | in and for Kent County |
| | § | |
| Defendant Below, | § | |
| Appellee. | § | |

Submitted: April 9, 2002

Decided: May 10, 2002

Before **VEASEY**, Chief Justice, **HOLLAND** and **BERGER**, Justices.

O R D E R

This 10th day of May, 2002, upon consideration of the briefs of the parties, it appearing that the decision to accept the State's discretionary appeal was improvidently granted,

IT IS HEREBY ORDERED that the appeal be, and the same hereby is, DISMISSED.

BY THE COURT:

/s/ Carolyn Berger
Justice