

IN THE SUPREME COURT OF THE STATE OF DELAWARE

MU'MIN RAHIM,	§
	§
Petitioner Below-	§ No. 98, 2005
Appellant,	§
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware,
STATE OF DELAWARE,	§ in and for New Castle County
	§ C.A. No. 05M-02-034
Respondent Below-	§
Appellee.	§

Submitted: July 27, 2005

Decided: September 6, 2005

Before **HOLLAND, BERGER,** and **JACOBS,** Justices.

ORDER

This 6th day of September 2005, the Court has considered the opening brief and the State's motion to affirm. It is manifest that the judgment of the Superior Court, which denied Rahim's petition for a writ of habeas corpus, must be affirmed on the basis of this Court's decision in *Evans v. State*, 872 A.2d 539 (Del. 2005).

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

BY THE COURT:

/s/ Carolyn Berger
Justice