

IN THE SUPREME COURT OF THE STATE OF DELAWARE

TRACEE O. DEJESUS,	§
	§
Defendant Below,	§
Appellant,	§ No. 286, 2002
	§
v.	§ Court Below: Superior Court
	§ of the State of Delaware in and
STATE OF DELAWARE,	§ for New Castle County
	§ Cr.A. Nos. IN01050876 and
Plaintiff Below,	§ IN01051423
Appellee.	§

Submitted: December 3, 2002

Decided: December 6, 2002

Before WALSH, HOLLAND, and STEELE, Justices.

ORDER

This 6th day of December 2002, upon consideration of the briefs of the parties, the Court concludes that the trial judge's answer to the jury inquiry did not constitute an improper comment on the evidence in violation of Article IV, § 19 of the Delaware Constitution. Under the circumstances the answer was an appropriate response and did not infringe upon the jury's fact finding role.

NOW, THEREFORE, IT IS ORDERED that the judgment of the Superior Court be, and the same hereby is,

AFFIRMED.

BY THE COURT:

s/ Joseph T. Walsh
Justice