

IN THE SUPREME COURT OF THE STATE OF DELAWARE

JAMES KELLY,	§	
	§	No. 417, 2002
Defendant Below,	§	
Appellant,	§	
	§	
v.	§	Court Below: Superior Court
	§	of the State of Delaware
STATE OF DELAWARE,	§	in and for New Castle County
	§	Cr.A. No. IN01101902
Plaintiff Below,	§	I.D. No. 0109014489
Appellee.	§	

Submitted: January 28, 2003
Decided: March 31, 2003

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

ORDER

This 31st day of March, 2003, on consideration of the briefs of the parties, it appears to the Court that:

- 1) James Kelly appeals his conviction, following a jury trial, of felony theft. Kelly argues that the trial court erred in denying his motion to exclude evidence that:
 - i) he was delinquent in paying child support; ii) he owed money to several people; and
 - iii) shortly before the alleged theft, he had promoted an unsuccessful hair show.

2) The trial court conducted an appropriate *Getz*¹ analysis and determined that the evidence was admissible to establish motive. We find that the trial court acted well within its discretion and affirm for the reasons stated by the trial court in its ruling.

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

BY THE COURT:

/s/ Carolyn Berger
Justice

¹*Getz v. State*, 538 A.2d 726 (Del. 1988).